











REMARKS  
ON THE  
EPISTLES  
OF  
CICERO to BRUTUS,  
AND OF  
BRUTUS to CICERO:  
In a LETTER to a FRIEND.

WITH A  
DISSERTATION upon FOUR ORATIONS  
ascribed to M. TULLIUS CICERO: *viz.*

- |                                 |  |                                    |
|---------------------------------|--|------------------------------------|
| 1. AD QUIRITES POST<br>REDITUM. |  | 3. PRO DOMO SUA, AD<br>PONTIFICES. |
| 2. POST REDITUM IN<br>SENATU.   |  | 4. DE HARUSPICUM<br>RESPONSIS.     |

To which are added,  
Some EXTRACTS out of the NOTES of Learned  
Men upon those ORATIONS;  
And OBSERVATIONS on them.

By J E R. M A R K L A N D,  
Fellow of St. Peter's College, Cambridge.

L O N D O N,  
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My Reverend and Worthy  
Friend Mr Wm Lord,  
Rector of Northiam in  
Sussex, is desired to accept  
of this token of Good-Will  
and Affection, from his  
most Obedient humble Servant.

Jer. Markland.

Uckfield Sept. 28.

1751.

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# CONTENTS

OF THE

## REMARKS upon the EPISTLES, etc.

**T**HE only way of successfully imitating Cicero's Epistles. Pag. 2. 9.

The Qualifications necessary for this Purpose. 3. 10. 13.

No difficult Matter to have done it five or six hundred Years ago, or in any higher Age since the Latin Tongue has ceas'd to be spoken. 3. 11, 12, 13.

Nor at present. 13.

There were in every Age Persons so qualified. 10, 11, 12.

Above one half of the Language and Matter of these Epistles taken out of the True Cicero. 5.

The Author's Mistakes in the remaining part, in Language, Facts, and Reasoning. *ibid.*

So that if these Epistles be esteemed genuine, it will be impossible for us Moderns to prove any Piece, which has for some Centuries born the Character of an Antient, to be spurious. 7, 8.

Latin not the Mother-Tongue of the Author of the Epistles. 9.

Whence it follows, that he liv'd after the VIth Century. 10.

The First Epistle allowed to be genuine, from the Testimony of Nonius Marcellus, and its Unexceptionableness. 15, 16.

Lucius Clodius, the Subject of it, who he was. 17. The Branches of the Clodian Family. *ibid.* An Oversight of the Author of the Oration De Haruspicum Responsis. 18.

A

The

- The VIIth Epistle very like Cicero's manner.* 19, 20.  
*An easy matter to forge such an Epistle.* *ibid.*  
*The XVth seems to have the air of Antiquity.* 20.  
*Brutus's famous Epistle (the XXII<sup>d</sup>) very faulty.* *ibid.*  
*probably the Essay of some young Person.* 21.  
*Our Ignorance in the History of the Writings of the Ancients.* 22.  
*The Character of the Author of the Epistles.* 23. *Whence he had his Materials.* *ibid.* *His great deficiency, Want of Judgment.* 24. *The Power of Prejudice.* 24, 25.  
*The Method and Design of the Author of these Papers.* 25, 26.  
*Remarks on the LANGUAGE.* 27—130.  
*The Author of the Epistles uses persuadere instead of suadere.* 27—30.  
*A like Mistake in the Author of the Oration pro Domo sua, in the word excogitavit for cogitavit.* 30. *Note.*  
*He writes, in praesentibus malis prohibendis, which is an Inconsistency: instead of cohibendis or inhibendis.* 30—34.  
*Octavius is est, QUI expectet Pop. Romanus, etc. instead of, A QUO: probably through forgetfulness. Instances of the same kind in other Moderns.* 34—38.  
*REVOCARI in integrum instead of RESTITUI in integrum. Perhaps from mistaking a Passage in Livy.* 38—41.  
*Idem Cicero, si flexerit adversus alios judicium suum, quod tanta firmitate ac magnitudine direxit in exturbando Antonio, unintelligible.* 41—44.  
*OB ejusdem MORTEM deterritus, for ejusdem MORTE: and, sui juris ac MANCIPII res publica.* 44—47.  
*Nihil TANTI fuit QUO venderemus fidem nostram, for UT venderemus: not Latin. Several ways in which he might rightly have express'd this sentence.* 47—49.  
*Sed ita multi LABEFACIANT, ne ut MOVEATUR interdum extimescam, preposterously, instead of, sed ita multi MOVENT, ut ne LABEFACIETUR interdum extimescam.* 49—52.  
*Aetas enim, mores, liberi SEGNEM efficiunt, for, averse to public Business.* 52—55.  
*Corruptum*



- Corruptum LARGITIONIBUS animum, *for* honorum largitionibus. 55—59.
- Liceat *injudiciously put for* possit or soleat. 59—61.
- In Panfæ locum PETERE constituit, *instead of*, in Panfæ AUGURIS, PONTIFICIS, &c. locum petere constituit. 61—66.
- The Verb petere, *absolutely, for* honores petere, *very scarce*: petitio, *the Substantive, for* honorum petitio, *very common.* 63.
- Domitius IN sua epistola CELEBRABITUR; *hard to know what is meant by it.* 66—69.
- Cujusve ratio habebitur, *for*, cujusve ABSENTIS ratio habebitur. 69—73.
- Qui M. Antonii sectam secuti sunt, *negligently transcrib'd out of Livy as the form of a Senatus consultum, instead of*, Qui M. Antonium sectamque ejus secuti sunt: *and ignorantly put, instead of*, Qui cum M. Antonio fuerunt: *which was a Form in Cicero's time.* 73—76.
- Again, he puts, ad FIDEM et ad DIGNITATEM tuam pertinet, *as part of a Decree of the Senate: instead of*, ad REMPUBLICAM FIDEMque tuam pertinet, *which was the Style in such Decrees.* 76—78.
- Once more, HONOS Diis immortalibus DECRETUS esset, *instead of* HABITUS esset. 78—81.
- Exact Knowledge of any Language the lower part of CRITICISM: *but absolutely necessary in order to the higher.* 82.
- Joan. Fred. Gronovius, *his great Skill in the Latin Tongue.* 83.
- A curious Remark of his. 83, 84.
- Some others of the like kind. 85—89.
- Authority, and present Use, the Rules of speaking. 89.
- Cicero's Question, Quis sic loquitur? *ibid.*
- Authority, unaccountable. *ibid.* The Antients frequently could give no Account of their own Language. An Instance out of Gellius. 90.
- The Writing of True Latin a very uncertain Thing to us Moderns 91. The same holds good in all Languages that are learnt by Books only. 92.

# CONTENTS.

- iv *A Person who succeeds another in his Post, is never said*  
 REPONI in ejus locum, but, substitui, suffici, subro-  
 gari, etc. reponi is applied to Things, not to Persons;  
 except in the sense of restoring or replacing them in  
 the station they formerly were. 93—96.
- Ut SOLERES, for ut SOLEBAS, bad or affected Writ-  
 ing. 96, 97.
- Habui in mea POTESTATE, for in mea CUSTODIA.  
 97—100.
- Quo EXPLERI possit eorum meritum, for exolvi, or  
 remunerari. Several ways of expressing the Sentence.  
 100—105.
- Vindici quidem alienae dominationis, NON vicario, ec-  
 quis supplicat, etc? For, NE vindici quidem, — NE-  
 DUM vicario, nemo supplicat, &c. This likewise ex-  
 presseth many different ways by the Antients. 105—110.
- In VERISSIMO genere dicendi, for, in OPTIMO, which  
 was the usual and settled Form of Writing. 110, 111.
- He puts tardare Neutrally, contrary to the Use of the Word  
 in the Age of Cicero. 111—114.
- Cicero probably the first who wrote PLURES uno, more  
 than one: which before, and in his time, was express'd  
 by PLUS (or amplius) uno. 114—116.
- Infideliter, not a Latin Word. 116, 120.
- Quatefecit, an unheard of Verb, form'd contrary to Ana-  
 logy. 120—123.
- Recapitulation of the foregoing Particulars; and the Au-  
 thor's Reasons for proceeding to the Two following  
 Heads, the Facts, and the Argumentation in the E-  
 pistles. 123—129.
- Remarks on the FACTS, from p. 130 to p. 175.
- The Author of the Epistles makes Cicero call Solon the  
 wisest of the Seven Wise-men, against the express tes-  
 timony of the true Cicero in other places. p. 130—132.
- Slips of Memory in the true Cicero. 132, 133.
- Cicero tells Brutus, that he does not think it necessary to  
 send him an account of Two Letters which had been  
 read in the Senate: And afterwards, in the same E-  
 pistle, sends him a particular Account of the Two  
 Letters. 133—135. Another of the same kind ob-  
 serv'd by Mr. Tunstall. 134 Note.
- Brutus

# CONTENTS.

v

- Brutus makes an Apology to Cicero for calling some Persons Citizens, when Cicero himself had called those very persons Citizens, and in that very Letter which Brutus is then answering.* 135, 136.
- Inconsistently rejoices at the Death of his best Friends, the Consuls, while he is vindicating his Humanity to C. Antonius one of his greatest Enemies : observ'd by Mr. Tunstall.* 136.
- The Author makes Cicero tell Brutus, that Pansa did fugere, or run away out of the Field of Battle. Which is False, and Impossible for Cicero to have written.* 136—138.
- His various Blunders and Inconsistencies in the use of the words fugere and cedere.* 138—143.
- He ignorantly mentions two or more Edicts, whereas there was but one : and makes Cicero say, that the FAME or REPORT of the Edicts of Brutus and Cassius caus'd him to return to Rome; whereas Cicero himself says, that it was the Edict IT SELF (not the fame or report of it) which he receiv'd and read.* 143, 144.
- Lepidus in his Revolt is said to be carrying on a most sharp war by Land and by SEA : of which last Circumstance there is not the least mention or hint in History.* 145—147.
- The probable Cause of the Blunder.* 149, 150.
- A remarkable Mistake of Ignorance in the Author of the Oration Post reditum in Senatu. p. 145. 146. Note.*
- Valerius Antias the Historian, often reproved by Livy.* 147—149.
- Brutus tells Cicero that Antistius Vetus had supplied him with a Sum of Money of his (Vetus's) OWN : whereas it was the PUBLIC MONEY.* 151—153.
- Marcus Apuleius, a much greater Friend to Brutus than Vetus was. 154. Why not mention'd in these Epistles.* 155.
- The Author represents Vetus as going to Rome to be a Candidate for the Praetorship, when probably he was of no higher Rank than Quaestor.* 155—158.
- He mentions a Letter received from Lentulus April 9th,*



*which a genuine Letter of Cicero mentions as received May 29th.* 158—161.

*Cicero tells Brutus, that Lepidus was ALWAYS an ENEMY to the Common-wealth: the true Cicero, in an Oration spoken about three months before the date of this Letter, says that Lepidus was ALWAYS a FRIEND to the Common-wealth.* 162—164.

*In this Letter of April 11th, he mentions Marcus Lepidus's Hatred of his Brother Paulus as a thing well known at that time: whenas the Cause of this Hatred probably was not in Being till the 30th of June, and the Effect of it did not appear till the 27th of Novemb.* 165.

*Brutus speaks of Salvidienus as a Senator. But Salvidienus was not a Senator till two Years after the Death of Brutus.* 166—168.

*A notable Blunder of Thufcus a Declaimer.* 168, 169.

*Marius is said to have been made Augur in his absence, by the Domitian Law. but it seems probable, that a person could not be made Augur in his Absence; and that Marius was Augur before the Domitian Law was made.* 169—173.

*Remarks on the REASONING and Sentiments, from p. 176. to 217.*

*This part more difficult than either of the two former.* 176.

*The Qualifications necessary to it.* 177, 178.

*Two Instances of Immaturity of Judgment in Cicero.* 178—181.

*The Author makes Cicero say to Brutus, Tuam sententiam defendam, non relinquam meam: which is Absurd, and Impossible in nature.* 181—183.

*The Author's beautiful Imitation of a Passage of one of Cicero's Epistles.* 183.

*He makes Cicero reason falsely, by shifting the Terms, and slipping in salutaris severitas in the room of iracundia.* 184—186.

*Cicero makes a Comparison between the severity of Brutus, which was none at all, and That of his Soldiers, which was a real Severity: MAGIS mihi probatur militum severitas QUAM TUA: instead of quam tua LENITAS or clementia.* 187, 188.

Brutus

# CONTENTS.

vii

*Brutus desires Cicero to protect his (Brutus's) Nephews; and gives Two Reasons why he ought to do it: the First, a good one: the Second, either not to his purpose, or against it.* 188, 189.

*He says it is acerbum, or a cruel thing, that Children should suffer for the Faults of their Parents: and yet adds, that it is WISELY (praeclare) contriv'd by the Laws.* 190.

*Brutus tells Atticus that he cannot be better assured of any thing than of the honest Intentions of Cicero towards the Republic: and yet in the same Letter charges Cicero with a Design of setting up young Caesar for Lord and Master of the Republic in the room of Antony: and more to the same purport.* 190—192.

*Cicero makes use of the word facile when it is nothing to the purpose, and when difficile or difficulter would have been equally true.* 192—195.

*The Cause of the Mistake.* 194.

*Says that Fidelity, Vigilance, and the Love of one's Country, are the ONLY things that are to be required of Man: and yet adds his opinion, that the Leaders in State-Affairs ought to be answerable for PRUDENCE TOO.* 196, 197.

*A strange piece of Reasoning in the Author of the Oration Pro Domo sua.* 198—200.

*Cicero tells Brutus, that he has set free the Republic by Virtue and greatness of Mind rather than in reality: instead of, in intention rather than in reality.* 200, 201.

*A remarkable Absurdity in the Author of the Oration Ad Quirites post reditum.* 201—203.

*Cicero puts tecumque adducas instead of et ipse venias: and by that means makes the Safety of the State depend upon his Son's coming into Italy instead of Brutus's coming.* 203—206.

*Absurd Reasoning in the Author of the Orat. De Haruspicio Responso.* 204, 205. Note.

*Diligenter metuere, absurd.* 206.

*An unintelligible passage.* 207—209.

- Another.* Quia never put in the beginning of a Sentence without ideo, either exprest or understood, to answer to it in the Clause. In quo judicii ratio exstat, instead of, cui aequabilitatis ratio constat, 209—211.
- Brutus argues thus:* I will NOT CALL my self a Deliverer of the World: FOR I take a pride IN CALLING my self so. The Mistake owing to his Ignorance of good Composition, and to his putting non dicam for nedum. 211, 212.
- Instances of this Author's use of the Rational enim:* which single word soon discovers a Good or a Bad Writer. 213.
- Slips from the Genus to the Species:* and in the Conclusion of his Argument slips in dignitate instead of salute. 213, 215.
- His proof of this Proposition,* That there is no such Thing as a Brave and Free Mind, without Constancy and Equability, is this: BECAUSE I confess that the Case of tryed Virtue is harder than That of untryed. 215, 216.
- He brings a Proof, and has omitted the Proposition* which was to be proved. 216, 217.
- The Conclusion.* 217, 218.
- 

## CONTENTS of the DISSERTATION upon Four ORATIONS, etc.

- T**HESE Pieces never yet doubted of. 221.
- One of them quoted as genuine by Asconius Pedianus, alluded to by Quintilian, some passages in it to be found in Val. Maximus, and another in Arnobius. 222.
- Ammianus Marcellinus is thought to quote a passage out of the Orat. Ad Quirit. post reditum. *ibid.*
- We are not obliged to receive as genuine whatever is quoted as such by an Antient Writer. 223.
- The necessary Qualifications in order to judge rightly concerning these Pieces, viz, some Skill and Use in the



- the Ancient Latin Writers, particularly in Cicero;  
and, Freedom from all Prepossession. 224, 230.  
Some Instances of this Author's strange Turn of Writ-  
ing. 225—227.  
Reasons which might induce the Learned Men, who  
have commented upon these Oration's, not to suspect  
them, or not to declare their Suspicions. 228.  
The Authority of great Names in Learning. *ibid.*  
which ought not to have the least weight in these mat-  
ters, without satisfactory Reasons. 231.  
The Oration's Ancient, and written not long after the  
time of Cicero. 232.  
Reasons to think that they were not written by an Inha-  
bitant of Rome, but by some Provincial. 233.  
The Order of the Two first, as they now stand in the  
Editions, ought to be inverted. *ibid.*  
The three first, and part of the Fourth, are formed up-  
on, and taken from Cicero's Oration's pro P. Sextio,  
and In L. Pisonem. *ibid.* and 287.  
The Injudiciousness of the Author in this matter. 234,  
235.  
The most obvious Failure in these Oration's, Want of  
Strength. An Instance or two. 235—239.  
Another thing observable in this Author, and other Imi-  
tators, viz. A two frequent repetition of some par-  
ticular Words or Expressions. Instances out of the  
Epistles of Cicero to Brutus. 239, 240. And out of  
these Oration's. 241, 242.  
REMARKS on the Oration Post reditum in  
Senatu, 243—260.  
Cicero's genuine Speech written with great Care, and  
pronounc'd de Scripto. 243.  
This Oration as good, at least, as any of the Four. *ibid.*  
Interfector reipublicae, a very harsh Metaphor. 244.  
Ne pedibus iret, instead of ne IN SENTENTIAM pe-  
dibus iret. Which looks like the Writing of a Pro-  
vincial. Other mistakes. 244—246.  
He writes as if he was ignorant of the Roman Consti-  
tution, and did not know that all Praetors and Aediles  
were of course Senators. 246, 247.  
He says that L. Piso was Consul of Capua at the same  
time

# CONTENTS.

*time that he was Consul of Rome: a mistake which could scarce possibly be made by one who liv'd at Rome, and pretended to any knowledge of History or of Cicero's Writings.* 247, 248. See p. 145. Note.

*Makes Cicero say childishly, That he was brought home from banishment in a gilt Chariot drawn by fine horses.* 248.

*Seems to put divinitus for divinè.* 249. *a sentence of dubious Latin.* *ibid.*

*Cicero says; that in his memory, or time, Senators were not wont to change their Dress in their own Dangers: which is manifestly False.* 249, 250. *The probable cause of the Mistake.* *ibid.*

*Says, that plenty of Corn is restored to the City upon his return. Whereas the true Cicero acquaints us, that on the day on which this Oration is supposed to have been spoken, Sept. 5th, there was a very great Dearthness and scarcity of Corn.* 251.

*The same thing affirmed in the Orat. Ad Quirit. post reditum, supposed to have been spoken on the 6th of September, equally false.* 251, 252. *The occasion of the Falsity.* *ibid.*

*He makes Cicero mention his Title of Imperator six years before he obtained it.* 254. *did not know the difference between Imperator and cum imperio.* 256.

*Who were Imperatores.* 257. *He ought to have put Praetori or Consuli instead of Imperatori.* 258. *This looks like the Writing of a Foreigner.* 259.

**REMARKS** *on the Orat. Ad Quirites post reditum, from 260--284.*

*Nothing in the true Cicero so intricate and involv'd as the first Sentence of this Oration.* 260.

*It is little more than an Abridgment or Repetition of the former.* 261, *the Sentiments, Examples, and Expressions, the same. Instances.* 261—263. *But it is inferior to the Former.* 264. *An instance.* *ibid.*

*Laetitia voluptate, for laetitia et voluptate.* 266.

*He speaks of the recovery of his fortunes on the 6th of September: When we know from the true Cicero, that he did not recover them till near a month after.* 266.

- 266, 267. *he contradicts Himself in this matter.*  
 268, 269.  
 Senatus perfectit, ut memoria rerum gestarum perfectetur, *unintelligible.* 269, 270.  
*Makes nobismetipsis nos reddidistis to signifie, ye have restored me for mine own sake: contrary to the use of the Expression.* 270, 271.  
*Puts efflagitati for flagitati: and several other compound Verbs instead of Simple ones which have a quite different signification.* 271—273.  
*Makes a mistake of Four years, at least, in point of Time, in saying that Cicero defended Gabinus in a Capital Cause before the year U. C. 695: whereas it is notorious, that That Defence of Gabinus was not made till the year 699.* 273—276. *An Objection answered.* 274, 275. *The same mistake made by the French Author of The Exil of Cicero, observ'd by Dr. Middleton.* 276.  
*A very obscure Double Signification of the word mercede.* 277.  
*The Tricks of the Declaimers.* 278. *The Liberties they took in the use of a Figure or Term which they called a color. ibid. and in Fiction. ibid. The ill consequence of this last to History, exemplified by an Instance.* 279, 280.  
*A very Impious Sentence of the Author, who tells the Quirites, That he shall always look upon their Numen, or Deity, as EQUAL TO That of the Immortal Gods.* 280—282.  
 SUPERIOREM esse CONTRA improbos, *Doubtful Latin.* 282.  
*The passage which Ammian. Marcellinus is thought to have taken from this Oration.* 282—284.  
 REMARKS on the Orat. Pro Domo sua, 284. 318.  
*The Inscription of this Oration should be, DE Domo sua, rather than PRO: and perhaps APUD Pontifices, not AD.* 284, 285.  
*The true Cicero's Oration De Domo sua a very different one from this.* 285.  
 Taken



*He confesses the first Twelve chapters to be extra causam, or, not to the purpose.* 286.

*Taken almost intirely from the Orations Pro. P. Sextio and In L. Pisonem.* 287. 233.

*An Instance of his great weakness in Reasoning.* 287, 288.

*Jubeo, with the Conjunction ut following it, not an unusual manner of Writing in the Golden Age of the Latin Tongue.* 288—291.

*His Quibble upon the difference between interdicatur and interdictum sit.* 291—293.

*Tangere aliquam partem legis PRAEDA, and quocumque venit, unintelligible.* 293, 294.

*A Master-piece of Blunder.* 294, 295.

*Ferre curationem tibi, for ferre (legem or rogationem) DE curatione tibi mandanda, not Latin.* 295, 296.

*Graevius's explication of the Words, ut in Asia Cistophorum flagitaret.* 296.

*The Author makes Pompey the Great afraid of a Power which was extinct. And yet, with unaccountable Stupidity, in the very word which goes before, calls the same Power only distracta or divided from another Part of it.* 297, 298.

*Confounds a Letter of Recommendation with a Letter of Thanks: and does not do justice to Cicero.* 298—301.

*Pulcherrimi facti quod gessissem, not Latin.* 301, 302.

*Spoils his own Thought by the Omission of a Word.* 302, 303.

*Writes widely out of Character, in making Cicero give the scandalous name of FUR to App. Claudius, a man of Character and Power, and of the First Quality in Rome.* 303, 304.

*Hominem suâ virtute egentem, a man who is in want upon account of his Worth.* 304. *Scato the Mar-  
fian, taken out of Philipp. XII, II.* *ibid.*

*He puts quanta for quantacumque or quanta quanta: and advances a Position which is not True.* 305, 306.

*Speaks of the Dedication of a Temple as a thing done in private; which was a Public Ceremony.* 306, 307. *Reasons*

# CONTENTS. xiii

*Reasons why the Author of these Orations seems to have been a Provincial.* 308—314.

*The Montani, a part of the plebs urbana, never heard of but in this Author.* 308.

*The Scribes at Rome, no very creditable order of men.* 309—312.

*He says that a tribunus plebis had it in his power to compel the College of Priests to be present at the Dedication of a Temple.* 312—314.

*Two Instances of inconclusive Reasoning.* 314.

*Makes a Distinction, unknown in the Latin Tongue, between tecta and domus.* 315, 316.

*Puts MODERATIO rei familiaris in the sense of MODUS.* 316.

*And per VIM religionis for per SPECIEM or obtentum.* 317.

**REMARKS** on the Orat. De Haruspicum Responsis, 318—358.

*Cicero no where gives the least hint that he ever spoke or wrote an Oration upon this Subject.* 318.

*Asconius Pedianus the first who quotes it as Cicero's.* *ibid.*

*The reason for which he quotes it, is a strong Argument of its being spurious.* 320. *His Solution of different Accounts, by what he calls oratoria calliditas.*

321. Note.

*He contradicts himself.* *ibid.*

*Quintilian's Testimony of this Oration examined.* 321—324.

*Asconius's Age, and the Time when probably he wrote his Commentationes upon Cicero's Orations.* 325—

327.

*A Mistake of Lipsius.* 325. Note.

*A Conjecture at the Time when these Orations were forged and published.* 328, 329, 339.

*The main Question not affected by it, if this Conjecture be false.* 330.

*An Objection answered.* 330—332.

*Duobus INCEPTIS verbis, for duobus PRIMIS verbis.* 332.

*The Author acquitted from a Contradiction.* 333.  
He

- priety of the Latin Tongue. 367—370.  
*A seeming Mistake or Fiction of the Author, concerning the broken Fasces of one of the Consuls, P. Lentulus or Q. Metellus.* 370—372. *The occasion of it.* 371, 372.  
*He says that Cicero was Quaestor to the Father of Manius Curius: when it is well known that Cicero was Quaestor to Sex. Peducaeus.* 372. *Pighius's Solution of the Difficulty: and an Objection to the Solution.* 372, 373.  
*Lambin had no reason to doubt of the Expression habere in consilio: proved.* 373, 374.  
*Hunc cedere curasti, for coëgisti, or curasti ut hic cederet, an unusual way of Writing.* 374, 375.  
*Varietas venditorum, a very obscure expression.* 375.  
*Libertatem de extraordinariis potestatibus, for libertatem ejus contra extraordinarias potestates.* 375, 376.  
*Bellum pacatissimis gentibus, for potestatem bellum inferendi pacatissimis gentibus: Barbarous Language.* *ibid.*  
*Quis senatui dixit, for, apud Senatum: not Latin.* 377.  
*Hottoman's Objection to a passage in the Orat. Pro Domino sua not removed by his Solution.* *ibid.*  
*Whether a Magistrate is ever said to accuse (instead of cite) a criminal.* 378, 379.  
*Other difficulties and obscure passages.* 379, 380. *Our Author explained.* 380, 381.  
*Mihi for in me: retinebat for tenebat, not Latin.* 382.  
*Nimis superstitiosus, contrary to Common Sense, and the custom of all other Writers.* 383, 384.  
*Possidere forum armatis catervis, instead of tenere, not the writing of an Author who understood the Latin Tongue* 384—386.  
*A slip of Memory in the Author.* 387. *improper Latin.* *ibid.*  
*A mistake in Point of Time. The common Punctuation vindicated.* 387—389.  
*Several other seeming Mistakes.* 389,—392.



# REMARKS

UPON THE

EPISTLES

OF

CICERO to BRUTUS,

AND OF

BRUTUS to CICERO.

S I R,

**I** Here send you a few Remarks, out of many which I have made, upon reading the *Epistles of Cicero to Brutus, and of Brutus to Cicero* : the Authority of which having been lately doubted of by the Reverend and Learned Mr. *Tunstall* \*, several of whose Arguments seemed to me either to overthrow, or greatly to shake, the credit of these Letters ; I was desirous to get what further information I could in this matter, and to try whether something could not be found in them of a different kind,

\* *Epistola ad Virum Erud. C. Middleton. Cantabr.*  
1741.

which might make it equally satisfactory, at least to myself, that these Epistles *could not be* the Writings of the great Authors whose Names they bear. Give me leave just to mention the Grounds I went upon, and the Method I took in making this Search ; because the same Rules, or something like them, may perhaps be of Use in enquiring into the Authority of other Remains of Antiquity : perhaps too there may be found, even among the supposed Works of *Cicero* himself, some *other Pieces*, as well as *these Epistles*, which it might not be amiss to try by the same Criticism.

In the first place, I knew very well that *Cicero's Language, Strength of Reasoning, Ingenuity, and Turn of Writing*, could not easily, and for any considerable length, be carried on by any one out of *his own private stock*, unless he were master of a Style, Genius, and Capacity, equal to those of *Cicero* : and where to look for such an one I could not tell. I was persuaded in the next place, that the only way of *personating* him with success would be, to make use of no other *Words and Expressions* than such as are to be found in *Cicero* ; no other accounts of *Facts* but what appear either in his Writings,

tings,

tings, or in undoubted Histories ; and no other *Reasonings* but such as are either contained in his Works, or in the opinion of good judges might not be thought unworthy to be there, by reason of their own Justness and Accuracy. It farther appeared to me, that if any Man of *Sound Judgement*, *Industry*, and of a *competent knowledge* in the *Language of Cicero*, under these Restrictions and with these *Rules* always before him, should have set about such an undertaking *Five or Six Hundred Years* ago, or in any higher Age since *Latin* has ceased to be a *Living Language* ; it would have been no difficult matter to have compiled out of *Cicero's Works* a short Sett of Letters in such a manner as to have rendered it almost impossible for us, *at this time*, to have discovered the Imposture ; especially had it come recommended to us, as these Epistles have done, with Pretensions to Genuine Antiquity from the Suffrages, Commentaries, and Admiration of many very Learned and Ingenious Men. On the other hand, if in an attempt of this kind an *Imitator* should deviate from the above-mentioned *Rules*, and forsake his Original ; such an one I did not doubt would leave us something which



## 4      REMARKS on the EPISTLES

we might, as *Cicero* expresses it, *manu prendere* ; some such traces and marks either of *Ignorance in Language, Unskilfulness in History and Antiquity, Want of Accuracy in Reasoning*, or, in short, *Mistakes* of one kind or other, as that we might safely and without any suspicion of Prejudice pronounce it impossible to be the work of *Cicero*. And as to *Brutus*, tho' from the Remains of his Works we know but little of his Style and Manner of Writing, yet there was no reason to imagine but that if *Letters* should be written *in his Name*, at the same time, and in the same manner with the former, they would be liable to some or other of the same Objections.

With these notions and apprehensions of this matter, I apply'd myself to the reading over these Epistles, till such time as I thought my self pretty well master of the Contents of them ; and all along marked every thing of every kind concerning which I doubted, in order to compare them with *Cicero* himself, with the *Latin Writers* of the best Ages, and with the *Historians* who have given an account of the Times in which the Letters are supposed to have been written. This I did with all the care and caution I could ;  
and

and the Result of the Whole (part of which I here send you) gave me reason to think, that the *Rules* which I had laid down to be observed by one who would *personate Cicero* successfully, had not deceived me ; being further confirmed in this opinion by the Neglect and Want of them which was apparent in these Epistles. for upon balancing the whole Account between *Cicero* and *this Writer*, whom I now plainly perceived to be no more than an *Imitator*, and upon assigning to each his Share, I found, that *at least one Half* of the *Language* and *Contents* of these Letters were undoubtedly *Cicero's*, as being taken out of his *genuine Works* : but in the *Remainder*, which was properly the *Imitator's own*, and of which I could not find any trace in *Cicero*, there appeared, in the *First* place, several *Expressions* which seemed to be *False Latin* : others *Inconsistent*, or *Contrary* to the Nature of Language : sometimes *one Word*, seemingly through Mistake or Failure of Memory, put *instead of another* to which it had some Resemblance : at other times *a Word*, absolutely necessary to the Sense, *omitted* : often a great *Ignorance* in the *Propriety* and Signification of the *Latin Tongue* : some Words used

6      REMARKS *on the* EPISTLES

in a manner quite *different* from the constant practice of *Cicero* in all his other Writings : and lastly, One *New Word*, not to be found in any other part of *Cicero*, or in any other *Latin* Author ; and moreover such an one as seemed to be contrary to *Analogy*, and the Formation of *Latin* Words. Thus much for the *Language*.

And having, as I thought, got this hold of him, I proceeded, in the *Second* place, to examine his *Faëts* and *History*. For if he were once detected in writing *Bad Latin*, it would be *certain* that this *could not be* the Hand of *Cicero* or *Brutus*, but must be That of an *Impostor* : and consequently, that all his *Faëts* which were not warranted by good Authorities, might very justly be liable to the *Suspicion* of *Forgery*. And the event proved as I expected it would. For in some places he seems to deal in *Fiction*, and to make *Faëts* of great Importance which are not elsewhere to be met with in *History* : in others, he makes *Cicero* directly *contradict* Himself : then he mistakes the Sense of the Author from whom he borrows, and thereupon gives a False account : next, he commits *Anachronisms*, and relates things as done at one time which were done at another.

*Thirdly,*



*Thirdly*, in his *Reasoning* he seems to be as deficient, and as Unlike and Inferior to *Cicero*, as in any part whatever. For sometimes he *argues* in such a loose and wild manner, that his *Proofs* seem to have no relation at all to the Proposition which was *to be proved* : another time he retains (*enim*) the *Reason*, but drops the *Thing* of which the *Reason* was *to be given* ; so that the Proof of *Something* appears ; but what That *Something* is, you are left to seek : sometimes he throws into his *Argument* some *Useless* and Idle *Word* and Circumstance, the *Omission* of which, or the *Change* into its *Contrary*, would have been equally to the purpose.

These Difficulties remaining inexplicable after all the Search I could make, I thought I might reasonably conclude, that these Epistles *could not be* the Writings of *Cicero* and *Brutus*. And indeed who could judge otherwise upon the same Evidence ? for if *Bad Latin*, *False History*, and *Bad Reasoning*, can be thought consistent with the Characters of those Great Men, because these Epistles have their Names prefixed to them ; it will be impossible that any Piece which has borne the Name and Inscription of an Antient Writer for some *Centuries*, can now

be proved to be a *Forgery*, be it never so Absurd : so that if the insipid and blundering Exercises and Declamations of a School-Boy written Five or Six Hundred years ago, should now be brought to light out of a MS of that Age, with the Title of *Cicero's Orations for M. Scaurus, C. Cornelius*, or any other lost Piece ; they must, upon this principle, be received as the *genuine* Works of the Orator.

But because the Question in Dispute will still remain, and will turn upon this point, Whether what I look upon as *Bad Latin, False History*, and *Bad Reasoning*, be in *reality* such ; it will be necessary that some *Instances* of *each kind* should be produced : which shall be done in the *Order* just now mentioned ; to the intent that those who are better skilled in these matters, may from their own Reading and Remarks (if what is here offered appears doubtful) be induced either to confirm these Observations or to confute them. if they *confirm* the Truth of them, Mr. *Tunstall* ought to receive the Honour due to the Discovery, which is entirely His : if they *confute* them, I shall have the pleasure of being freed from an Error from which as yet I am not able to disengage myself.

For

For at present I confess I am so far from believing *Cicero* and *Brutus* to have been the Authors of these Epistles; as on the contrary to be firmly persuaded, that they were written *many Centuries* after their Deaths, by some Person (or rather *Persons*) of *no great Skill* in the *Latin Tongue*, and of a very *weak Judgement*, notwithstanding his *Vivacity* and *Ingenuity*, which in some places I readily allow him. His *Injudiciousness* appears in many Instances, but in none more than in what concerns the *Language* of these Epistles. for whereas he had it in his power to have executed this part of his Attempt with success, and had gone *above half way* towards it by the only Way that could lead him to it, namely, by making use of none but *Cicero's own Words* and *Expressions* collected out of different parts of his Works; on a sudden he leaves the direct Road and a sure Guide, to follow his own fancy, and trust to *his own Style*: by which means he has left us sufficient room to trace him out in his deviations, and, from his Mistakes in this kind, has enabled us to discover, that *Latin* was not his *Mother-Tongue*, and that he had learnt it only from *Books*, (and that too with no Accuracy, and to no great Depth)



Depth) because almost every one of his Blunders on this head appear to be such as could not possibly be committed by one who *spoke* Latin from his Childhood, and to whom the *Latin Tongue* was a *Living-Language*. Consequently, it seems evident to me, that he lived some time after the VIth Century, towards the end of which it is generally thought the *Latin Tongue* ceas'd to be *spoken*. how much lower he is to be placed, I cannot pretend to say : but whenever he lived, he seems to have been one of those Writers whose Pieces, as *Petrarch* informs us, p. 396. were in his time to be found in great abundance, bearing the *Titles* of the Works of *Cicero* : under which Name these very Letters imposed upon *Petrarch* himself.

If now it should be asked, *Who*, from the end of the VI<sup>th</sup> Century to the middle of the XIV<sup>th</sup>, that is to the time of *Petrarch*, was able to write such Letters as these, and at *What Time* : I answer, *Any Body*, at *Any Time*, might do it, provided he had, 1<sup>st</sup>, a competent *Skill* in *Latin* ; that is, enough to enable him to read and understand *Cicero*, no difficult Author : 2<sup>dly</sup>, a *Good Judgement* : and 3<sup>dly</sup>, *Industry*. These are no extraordinary

extraordinary and unusual Qualifications ; and there could never fail of being *several* Persons so qualifysed in most Countries of *Christendom* (but especially in *Italy*, and at *Rome*) even during those Dark Ages. The *first* of these Qualifications we are certain subsisted in *every Age* in the Courts of the *Popes*, and of all or most of the *Christian Princes*, and in many *Religious Houses*, and elsewhere ; as might easily be made appear from the Records and Remains of each Age : and the *two others* are always Common to every Age and every Country. So that in reality there is no such Difficulty in this matter as perhaps is generally supposed. The Chief thing is *Good Judgement* : this would lay a constant check upon the *Imitator*, and would never permit him to depart from the *Language* of *Cicero* : it would likewise guard him from *Fiction*, and would hinder him from introducing any Circumstances in his *Facts* and *History* which were *False* or *Uncertain* and not well attested : and lastly, it would direct him in his *Reasoning*, and would not suffer him to *argue* loosely and at random, by giving *Reasons* which are *No Reasons* and prove nothing. Now where lies the Difficulty in this, if  
*Language*

*Language* for all necessary occasions (and such is in *Cicero*) may be had, if you will be at the *pains* of seeking for it; and *Good Judgement* presides over the Use of *it*, and over every other part of your Work? Let us suppose our Countrymen, *Bede* in the VIII<sup>th</sup> Century, or *Joannes Sarisburiensis* in the XII<sup>th</sup>, with these *Qualifications*, and with these *Rules* before them, had set about such an undertaking: the consequence would certainly have been such Epistles as We at this time, if the Original *forged* MSS should now be produced, could not have denied to be the *genuine* Writings of *Cicero*, or, at least, whatever *Suspensions* we might have had, could not have proved them to be *spurious*: because there would be nothing to which we could object. for, it might very justly be said, The MSS are undoubtedly *Antient*, and carry the Title of *Cicero's Epistles to Brutus*: the *Language* is entirely and in every Word *Ciceronian*: every Circumstance in the *History* is *true*; and the *Reasoning* is strictly *just*: what more could you have from *Cicero* Himself? This would have been the case in Letters of the *ordinary kind* and upon common Subjects, *forged* in those Ages by men thus qualified: but then, if to  
the



the Three above-mentioned Qualifications of some *Skill in Cicero's Language*, a *Good Judgement*, and *Industry*, you add a Fourth, *Ingenuity* ; nothing would seem wanting to compleat the Character of a *perfect Imitator* of *Cicero* in the *Epistolary* kind : and then you would have a Sett not only of *Sound* and *Judicious*, but also of *Elegant* and *Entertaining* Letters, formed and compiled out of *Tully* himself. Now view this matter on the other side, and in proportion as any of the Three former Qualifications were wanting, you would find him either *Barbarous* or *Negligent* in his *Language*, *False* or *Uncertain* in his accounts of *Facts*, or *Inconclusive* in his *Arguments*, and in those respects like the Writer of these Letters : for as to the Fourth, *Ingenuity*, our Author is often far from being deficient. After having said thus much concerning the no-difficulty of such an undertaking, it may be thought but a small Compliment to the Learned and Ingenious Gentlemen who are engaged in this Controversy, if I profess myself fully satisfied, That had they intended it, and thought it worth the pains, either of them would have been able to have given the World a Sett of Epistles, in the *Characters*

#### 14 REMARKS on the EPISTLES

*raēters* of *Cicero* and *Brutus*, equal to these on every account, and in many respects much superior, and less liable to Objections.

If it be further enquired, To *what End* any man should *forg*e such Letters? it may be answered, To the same End that *any other Forgery* was ever made; there being in the case of these Letters nothing *singular* and *particular*, and which has not happened a Thousand times before: so that the Question will become *general*, To what End *any Forgeries* were ever made? an answer to which would lead us too far from the present Purpose and Subject: only it may be worth while to observe, that there scarce ever was any Eminent Writer, in any kind, who has not suffered from this sort of Mimicry: of which most of the great Authors of Antiquity, whose Works are still extant, are a manifest Proof: for there are few of them who after their Deaths, and sometimes before, had not *Fictitious* Pieces assign'd to them, and published under their Names: and in many of them We to this day find several such *spurious* Tracts in the Body of their Works, and frequently read them as the *genuine* productions of the Authors themselves.

It may still be said perhaps, That *these Epistles* were extant in the time of *Plutarch*, and that he quotes or alludes to some passages of them, which are still found here. To this it may be replied, That the Epistles which passed between *Cicero* and *Brutus* were undoubtedly extant in *Plutarch's* time : but that *Plutarch* ever saw *these very* Epistles, will be a most difficult point to prove : on the other hand, it will be an easy matter to show that the Writer of *these Epistles* had seen *Plutarch* ; which in effect comes to the same thing as if *Plutarch* had seen these Epistles : only there is this material difference in the circumstances, that *Plutarch* took his testimonies from the *Original Letters* themselves ; but our Author took *his* from *Plutarch*, who, I do not doubt, had been *many hundred years* in his Grave before *these Epistles* were ever thought of.

The testimony of *Nonius Marcellus* the Antient Grammarian, who quotes the *First* Epistle of this Collection out of the *Ninth* Book of *Cicero's Letters to Brutus* (as it is now restored from MSS by Mr. *Tunstall*, Observat. p. 65.) seems to me so strong a Proof of *That* Epistle's being *genuine*, that I do not see how it can be eluded but by  
proving,



proving, that *Nonius* actually *was impos'd* upon (for that he *might be*, does not seem sufficient) by a *spurious* Piece : now this I should think cannot be proved unless either from the *Language*, or from the *Matter* and *Contents* of the Epistle ; both which appear to be unexceptionable. Nor am I in the least afraid of making this Concession, that the *First* Epistle is *genuine* : for even the Defenders of these Letters allow that *One spurious* one, the Epistle to *Octavius*, has been foisted in among the *genuine*. Now if *One forged* Letter, which no body can tell *whence* or *how* it came hither, may be found among Twenty Three which are *genuine* ; I would ask, on the other hand, why *One* that is *genuine*, which in like manner no body can tell *whence* or *how* it came hither, may not be found among Twenty Three *forged* ones ? But the Strength of the Argument against the *genuineness* of these Letters does not rest upon a *Possibility*, or the *Authority* and *Opinion* of any Man, or Number of Men ; but upon evident Matter of Fact, founded upon such *Rules* of *Judging*, as in the present case can scarce deceive us, viz. *Bad Latin*, *Mistakes in Facts*, and *Bad Reasoning* : so that we may  
from

from *Nonius's* Testimony readily admit the *First* Epistle to be *Cicero's* without any danger to this Cause, because I think it may be fairly proved that the *rest* (I speak of *much the greatest part* of them) cannot be *Cicero's*, or *Brutus's*.

The *Lucius Clodius*, who is the Subject of this First Epistle, is, in all probability, the same who was *præfectus Fabrum* to *App. Claudius Pulcher*, *Cicero's* Predecessor in the Government of the Province of *Cilicia*, seven or eight Years before the writing of this Letter. This *Lucius* is mentioned Four times in the *Epist. ad Familiar.* Lib. iii. epist. 4, 5, 6, 8. His cognomen was *Marcellus*, and he was of the *Plebeian* Branch of the *Claudian* Family, as appears not only from his being *Tribune of the People* Elect, but likewise from his *prænomen* of *Lucius* : for whereas there were Two Branches of the *Claudii* or *Clodii*, namely, the *Pulchri* or *Nerones*, and the *Marcelli* ; the former *Patricians*, the latter *Plebeians* ; the *Patrician* Branch had, for some time before this, by general consent, disclaimed and disused the *prænomen* of *Lucius*, because there had been Two *Lucius Claudius Pulchers* who were notorious Vil-

lains, and a scandal to their Family, as *Suetonius in Tiber. c. 1.* relates: A similar Instance to which, in the prænomen of *Marcus* in the *Manlian* Family, is recorded by *Livy vi, 20.* and *Cicero Philipp. i, 13.* So that whenever we meet with a *Lucius* of the *Claudian* Family, about these times, we may conclude that he was a *Marcellus*, and a *Plebeian*: whence likewise we may gather, that the *Lucius Clodius, pharmacopola circumforaneus*, who is mentioned in the *Orat. pro A. Cluent. c. 14.* was a *Freedman*, or the *Descendant* of a *Freedman*, of some or other of the *Plebeian* Branch of the *Clodii*: for as to *Sex. Clodius Phormio*, mentioned in the *Orat. pro A. Caecina c. 10.* tho' he was of the same Condition with the former, yet it is uncertain to which of the Two Branches he was obliged for his Liberty. Had the Author of the Oration *De Haruspicum Responsis* known this little piece of History concerning the prænomen of *Lucius* in the *Claudian* Family, he would not have introduc'd, as he does *cap. vi,* a *Lucius Claudius* with the Title of *Rex Sacrorum*, which Office he himself affirms, *Orat. pro Domo c. 14.* (if that Oration was written by the same hand with the other) to have belonged



to the *Patricians*. But this is a Mistake into which tho' *Cicero* could not fall, yet a *Disclaimer* easily might; and it is a pardonable one in comparison of many others which are to be found in that Oration.

The same Judgement with the 1<sup>st</sup> I should make no doubt to pass upon the vii<sup>th</sup> Epistle, which begins, *Multos tibi commendavi*, etc. were it supported by the Authority of *Nonius*, or any other Ancient Writer. For it is very like *Cicero's* Hand, nor can I find any Thing material to object to it. The only Scruple is in the Phrase *aliquid auctoritatis assumere*, by which he seems to mean, *to take or obtain some Commission or Command*: whereas *Caesar De Bell. Gall.* ii, 4. and *Vegetius De Re milit.* i, 8. make use of the same Expression in a *bad* sense, to signify an *assuming* and *taking upon* one's self too much, thro' *Arrogance*: which *Cicero* in *Brut.* c. 53. calls *potentiam assumere*: and *suscipere auctoritatem*, in *Verr.* V, 58. But I should not think this alone a sufficient reason for rejecting the Epistle as a Forgery, notwithstanding the Bad Company it is fallen into: because it is well known that there are very many Expressions in the *Latin Tongue* which in different Situations have a different Sense.

If it be a *Forgery*, it seems to be the best executed of any of them: tho' at the same time it must be allowed that there would be no difficulty in Forging such a Letter as this, to one who was accustomed to *Cicero*, in whose *Recommendatory* Epistles, almost every Sentence of this may be found. There are likewise two or three more of these Epistles, to which, tho' I am very well satisfied, for my own Part, that they are not genuine; yet I can find but little that can be objected in order fully and effectually to convince another, to whom perhaps they may not appear in the same Light. Of all of them, except the first and vii<sup>th</sup>, the xv<sup>th</sup>, which begins, *Scribis mihi mirari Ciceronem*, etc. seems to me to bid the fairest for Antiquity. For tho' there are some objections to the *Language* of it, and more to the *Matter* and *Contents*; yet I think it comes *nearer* to the Style and Manner of the *Age of the Declaimers*, which succeeded that of *Cicero*, than any other of them: tho' in reality, the Mistakes are such as could scarce have been made by one of that Age. For as to *Brutus's* other famous Epistle, the twenty second, which begins, *Particulam litterarum tuarum*, etc. there are so many and such strong Objections

jections to it, that I think it must needs be the Performance of one who had but a very moderate Knowledge of the *Latin Tongue*, and as small a share of *sound Judgement*: tho' it must be confest that the Sentiments are Great and Generous, and worthy of an Antient *Roman*. It seems to have been the Essay of some lively, high-spirited, ingenious young Man.

But allowing the *first* to be (as I verily believe it is) and supposing the *seventh* to be *genuine*; a Question will arise, How came they hither? To this no satisfactory Answer can possibly be given, because we are ignorant of the History and Fate of the Books of *Cicero's Epistles to Brutus* after that the Collection had been once broken and dissolved. That they were thus broken and dispersed, is evident from Fact. For *Five* of them are still extant, and are got out of their proper volumes into the *Epistolae Familiares*, Lib. xiii. Epist. 10, 11, 12, 13, 14. Can any Body in our Age inform us by *what Accident*, by *whom*, and at *what time* those *Five* Epistles were brought thither? if he can, his Answer may perhaps help us to a solution of the Question before us. but if it cannot be done, we must rest contented



under our Ignorance in this as well as in a thousand other Circumstances of the like kind relating to the Works of the Antients, and of *Cicero* himself. It is possible that the *Forger* of these Letters might in some Manuscript or other pick up this stragling genuine Epistle concerning *Lucius Clodius*, and might place it as a *Frontispiece* to his own Work, being willing to *set out* right, whatever might befall him afterwards. This, I say, is *possible*: and that is all I would choose to say of it. However, those who are curious will perhaps observe further, that whereas all the other *twenty two* Letters are supposed to have been written within the compass of four Months, *April, May, June, and July*, in the Year U. C. 710; this *first* was in all probability written some time in the Year 709. which looks as if it was brought hither from some other place, and as if the Architect thro' Inadvertency had plac'd his *House* at too great a Distance from the *Porch* which he found ready built to his Hand. for if this was not the Case, how happened it, that in this active Season, there should be a Chasm of at least four Months, and perhaps many more, between the first and the second of these Epistles,

and

and afterwards the Correspondence carried on regularly and at proper Distances throughout all the rest of them, as they are disposed by the last learned Editor?

As to the Character of the Author of the Letters, (supposing all of them to have come from the same Hand) he seems to have been a Person of *quick Parts* and *Ingenuity*, and of a share of *Learning* not very common in the Age in which he lived. He certainly had read part of *Plutarch* in the Original, which in those times was no vulgar attainment for an Inhabitant of the *Western Parts*. He quotes *Plautus*, takes an Incident out of *Corn. Nepos*, another out of *Suetonius*, and from some Expressions one might very probably conjecture that he had read *Livy*, and *Tacitus*. There is likewise a passage *Epist.* xxi. p. 152. concerning *Larentia*, which seems to be taken out of *Varro De Ling. Lat. lib. V. p. m. 48*. The Pieces of *Cicero* to which he is chiefly obliged, are Three: first, the *Orations*, and in these the *Philippics* principally. secondly, the *Epistolae ad Familiares*; and herein especially the tenth, eleventh, and twelfth Books. thirdly, the *Epistolae ad Atticum*. Out of all these he has borrowed pretty largely; sometimes o-

penly and without disguise, almost Word for Word: at other times covertly, and with some change of Words; which change he has sometimes managed in such a manner as thereby to violate the *Latin* and the *Sense*. These three Pieces excepted, I do not find that he often borrows out of the rest of *Cicero's* Works; some of which it seems probable that he had either *never read*, or had *forgotten*; as will appear from a manifest *Contradiction* to *Cicero* in a matter of Fact. His great deficiency lay in the Article of *Judgement*. had he been Master of this, it (joined to his other Qualifications) would have enabled him to personate *Cicero* so artfully, that he could never have been found out by us at this Distance of Time.

It will perhaps be difficult to produce a stronger Instance, (for I think there is as strong an one in some other Pieces which have hitherto been universally received as written by *Cicero*) of the Power of *Prejudice*, and what a Bias a *great Name* is able to lay upon the *Judgment* of Mankind, than these Letters afford us. For the *Title* of *Cicero's Epistles*, and the beauty of his *Language*, which was so conspicuous, and so plentifully intermix'd in these Letters, did so power-  
fully



fully fix the Attention of Men otherwise remarkable for their great Learning and Sagacity, as to make them (tho' they could not help having some *Suspensions* and *Misgivings*) overlook Barbarisms and Blunders which I am persuaded would have appeared to them upon the first reading had this Work been published in the *Name* of any of their *Contemporaries*. And so again on *Brutus's* part: his Noble and Generous *Sentiments*, which in these Letters are frequently very well conceiv'd, attracted all their Regards, and took them off from his *Language* and his *Reasoning*. had they attended to these, they would certainly have concluded, that *bad Latin* and *false Argumentation* are much stronger Proofs of the *spuriousness* of *Brutus's* Epistles, than Brave and Great *Sentiments* are of their being *genuine*: because Men in *any Age* may possibly *Think* as strongly as *Brutus* did; but it is almost *impossible* that *Brutus* should write *bad Latin*, and very *improbable* that he should *argue* so *weakly* as he does in these Letters.

But it is time to enter upon the Examination of them: which I shall undertake in the *Order* abovementioned, first, the *Language*: secondly, the *Facts*: thirdly, the *Reasoning*  
and

26 REMARKS *on the* EPISTLES, *etc.*

and Sentiments. From the first of these I propose to make it appear, That these Epistles *could not* POSSIBLY *be* the Writings of Cicero and Brutus: From the Second and Third, that (setting aside the *Language* for a while) there are so many Mistakes under these two Heads, as to make it *next to an Impossibility*, according to the common Judgement of Mankind, that those great Men could be the Authors of them.

This I shall do as the Examples under each Head may happen to occur to me, without any regard to the order and series of the Epistles themselves, or to any other consideration than Truth and Perspicuity. I follow the Edition of Dr. Middleton, (*Lond.* 1743. 8<sup>vo</sup>. in *Latin* and *English*) which I suppose is in the Hands of more *English* Readers than any one other Edition,

REMARKS

# R E M A R K S

## O N T H E

# L A N G U A G E

## O F T H E

# E P I S T L E S, etc.

### S E C T. I.

**I**N the sixth Epistle p. 42. *Brutus* writes thus concerning *C. Antistius Vetus*:  
*Huic* PERSUADERE COEPIMUS, *ut*  
*imperator in castris remaneret, remque publi-*  
*cam defenderet: statuit eundem sibi, quoniam*  
*exercitum dimisisset.* He certainly meant  
*suadere coepimus*; but did not know, or had  
 forgot, the difference between *suadere* and  
*persuadere*; that *suadere* est FACIENTIS;  
*persuadere*, PERFICIENTIS, as the Ancients  
 tell us. The former is to *exhort* or *ad-*  
*vise*: the latter, to *persuade*, that is, to  
*effect* or *accomplish* that which you pro-  
 posed in *exhorting* or *advising*. So *Cicero*  
*Philippic. ii, 11. An C. Trebonio* PERSUASI?  
*cui*



## 28 REMARKS on the LANGUAGE

*cui ne SUADERE quidem ausus essem.* Auctor ad Herennium iii, 3. *Aut si SUADEBIMUS quidpiam — facile id quod velimus exemplo allato PERSUADERE possimus.* Seneca Epist. lxxi. *SUADEO adhuc mihi ista; nondum PERSUADEO.* Apuleius Met. iv. p. 71. *Cumque nulli nostrum, spontale parricidium SUADENS, PERSUADERE posset,* etc. and lib. vii. p. 135. *eique SUASISSE, ac denique PERSUASISSE.* I need not transcribe any more Instances. So then *persuadere coepimus*, is, *I BEGAN my advice with the END of it.* Nor can it be here objected, that *coepi* and *incipio* with another Verb joined to them are frequently mere Expletives, and an elegance of the *Latin Tongue* borrowed from the *Greeks*, who often put ἀρχομαι ποιεῖν, or λέγειν, &c. for ποιῶ, or λέγω. so *fallere incipias* for *fallas*, Terence Andr. iii, 2. Cicero ad Attic. i, 4. *Cajetam, si quando abundare coepero, ornabo: i. e. abundavero.* nay Horace Serm. i, 1. says, *FINIRE laborem INCIPIAS*; which he might have express'd by *laborem finias*. This, I say, tho' it be very true, cannot be objected here, because in that Case *persuadere coepimus* must be *persuasimus*; which would be false: for *Brutus* did not persuade *Vetus* to stay with him, as  
you

you see from what follows, *statuit eundem sibi*. A true Antient Roman writer would have said *suadere coepimus*. thus Cicero Famil. vii, 3. *Quæ cum vidissem, desperans victoriam, primum COEPI SUADERE pacem cujus fueram semper auctor*. Seneca Epist. lxxviii. *Nunc ad illud revertor quod SUADERE tibi COEPERAM, ut otium tuum ignotum sit*. Curtius vii, 11. *Cophas admissus SUADERE COEPIT Arimazi petram tradere*. Justin ii, 7. *insolitis sibi versibus SUADERE populo COEPIT quod vetabatur*. On the other Hand, when they make use of *persuadere*, they join with it some Verb which expresses endeavour or desire. Corn. Nepos in Eumen. c. 2. *persuadere STUDUIT*. in Attico c. 4. *persuadere TENTARET*. Livy xlii, 41. *persuadere CONARETUR*. Cicero pro Cluent. c. 10. *persuadere VELIM*. Horace Serm. i, 5. *persuadere CUPIT*. Any of these would have answered our Author's purpose, and he might have written, *Huic persuadere studuimus, or tentavimus, conati sumus, volumus, cupivimus, ut imperator in castris remaneret*, etc. but, I believe, you will never find *persuadere coepimus* in any genuine Antient Author. for if he intended to say, *I began to PREVAIL upon him*; a Latin Writer

### 30 REMARKS on the LANGUAGE

ter would have express'd it in a different manner, and not have join'd *coepimus* with *persuadere*; which looks more like the Blunder of a modern School-Boy than the writing of an Antient.

So again in *Brutus's* celebrated Epistle p. 176. you have these Words: *Semper in*

<sup>a</sup> There is an Instance somewhat like to this in the Oration *pro domo sua*, c. 44. the Author of which by putting *excogitavit* instead of *cogitavit*, shows that he did not know the meaning of, and the difference between, those two Words. He is speaking of *P. Clodius*, and and upbraiding him for pulling down the *Portico* or Monument of *Qu. Catulus* in order to build his own House upon part of the *Area* of it: *At videte hominis intolerabilem audaciam, cum projecta quadam et effrenata cupiditate. Monumentum iste nunquam, aut religionem ullam excogitavit: habitare laxe et magnifice voluit. he never thought of* (had no regard to, never consider'd) *any Monument, or any Religion: his only view was to have a spacious and magnificent Habitation.* This is what the Author meant. but *Cicero* would have taught him better *Latin*, and shew'd him the difference between *excogitare* and *cogitare*, Famil. V, 20. *cum rem, a me non insipienter excogitatam, ne cogitatam quidem putes; whenas you imagine, that a thing not ill contriv'd by me, has not so much as been thought of by me.* and so *Ad Attic.* ix, 6. For *COGITARE quidpiam* is to think of any thing: as *Philip. V, 5. si ullam speciem Reipublicae cogitavisset? if he had thought of any show or appearance of a Common-*



PRAESENTIBUS malis PROHIBENDIS, *future quoque, nisi ante sit occursum, explores, ne se insinuent.* This is the same Inconsistency in Language and Sense as if you were to say *procul adjacet*, or *longe adest*: for *praesentibus* supposes the Evils he is speaking of to be actually *upon us*, and *prohibendis* implies at the same time that they are to be *kept at a distance* from us. so that he is pulling you forward with one Hand, and pushing you back with the other. *Prohibere malum* is *procul habere*, to keep off an Evil, to keep it at a distance, to hinder it from being present to us. So in Terence Hecyr. ii, 1. *Dii mala prohibeant!* may the Gods keep off

*wealth?* but EXCOGITARE *quidpiam* is to contrive, devise, or invent any thing: as in the next Chapter of the same Oration, *hanc tertiam decuriam* excogitavit: *he contrived, or found out, this third Decury.* Hence Tusculan. Disp. i, 25. *Quid? illa vis quae tandem est, quae investigat occulta; quae inventio atque excogitatio* (he could not here have written *cogitatio*) *dicitur?* Instead of *excogitavit*, in the above-mentioned passage, Lambin reads *cogitavit*. but Graevius observes that there is no variation in the Manuscripts: and I am so well acquainted with this Author's Hand, upon the like and other Occasions, as not to have the least doubt but the reading of all the Manuscripts in this place is his writing.

## 32 REMARKS on the LANGUAGE

*misfortunes!* not *present* but *future* ones: see what goes before. Cicero pro leg. Manil. c. 7. *erit igitur humanitatis vestrae magnum eorum civium numerum calamitate prohibere: to preserve or keep off from calamity; not yet present, but future and in Expectation.* Had Terence said, *mala praesentia prohibeant*, or Cicero, *calamitate praesenti prohibere*, they would have fallen into the same absurdity our Author has here done. but they knew very well that *prohibere* when it is used concerning *Time*, always implies something *future* and *not yet present*; when of *Place*, something at a *distance*. hence Cicero in Verr. iv, 64. adds *procul* to this Verb, to denote still a greater distance: *quod praedones procul ab insula Sicilia prohibuisset Verres.* insert the word *praesentes* here, *quod praesentes praedones — prohibuisset*, as it is in our Letter-Writer, *in praesentibus malis prohibendis*; and you will have the Pirates got *into Sicily*, and at the same time *kept off* at a *great distance* from it. Livy xxii, 42. *Dii prope ipsi eo die magis distulere quam prohibuere IMMINENTEM pestem Romanis.* he is speaking of the Battle of *Cannae*. see what follows. *imminentem pestem*, the *impending* or *approaching* calamity.

calamity, not *praesentem*: for when it is *praesens malum* or *pestis*, it is *upon us*, and we are *in it*; and a Latin Writer would not then advise us *prohibere*, (for it would be too late) but *depellere*, or *abjicere*, or *exuere*, or something to the purpose of *throwing it off* and *getting out of it*. so that *praesentia mala prohibere* is to *keep at a distance evils that cannot now be kept at a distance*. Had he written *in praesentibus malis inhibendis*, (which word, or *cohibendis*, it is not impossible he might mean) *in restraining the present evils*, instead of *prohibendis*; there would have been nothing blameable in this sentence: or had he added *latius serpere* after *prohibendis*, so as to make it, *in hindering the present evils from spreading farther*, the Sense and the Latin would have been good. but as it stands at present, it is an Error of Ignorance in the Language in which he wrote. He seems to have been partly drawn into this mistake by the word *futura*, which he thought would appear more elegant if it had its Opposite. tho indeed had he left out *praesentibus*, still it would not have been good Sense: to effect which, the sentence must have been changed and put into some other Form, as any one may perceive who shall think it



worth while to consider it. for all evils that are (*prohibenda*) to be kept off, are of course and in the nature of the thing future ones. so that you cannot rightly say in *prohibendis malis*, FUTURA QUOQUE explores; because the futurity of them is already implied in in the word *prohibendis*. He might more justly have said, in keeping off ONE KIND of evils, take care that ANOTHER does not steal upon you before you are aware.

In the same Epistle p. 174. *Octavius is est, qui quid de nobis judicaturus sit, expectet populus Romanus?* If you will follow the Language and Construction of this sentence, you may say of it what *Pseudolus* does in *Plautus*,

*Haec quidem pol, credo, nisi Sibylla legerit,  
Interpretari alium potesse neminem.*

For you can get no further than the four first words, *Octavius is est, qui* — Go on if you can. the Relative *qui* is left destitute, and finds nothing to rest upon. and yet the sentence of the same kind, which follows just after, is rightly formed: *Ego vero, ut istuc revertar, is sum QUI non modò non SUPPLICEM, sed etiam coërceam postulant-tes ut sibi supplicetur.* This is as it should be, *ego is sum qui — supplicem*; and as the other

other ought to have been, *Octavius is est qui — dicat*, or *faciat*, or any other Verb, what the Author pleas'd, provided it were some Verb or other. The case seems to have been this: As the *latter part* of the Sentence now stands, he ought to have written, *Octavius is est, A QUO, quid de nobis judicaturus sit, EXPECTET populus Romanus*. but when he wrote the *first part* of it, *Octavius is est, qui —* he intended to have drawn it up in a different Form, and to have added a Verb which should answer to *qui*, as is always done in this form of expression, by all writers, and in *Cicero* perhaps *fifty* times: but his Memory seems to have fail'd him before he got to the end of the Sentence: so that he has left the former part of it, as he originally design'd it, with *qui*; and the latter, as if he had written in the former part *a quo*. But is it possible, you may say, that a person's Memory should be so very Unfaithful as to forsake him in the compass of one short Sentence? It is very possible, where a man either writes *hastily*, or where the Language in which he writes is not his *Mother Tongue*, and the Ideas rise in the Mind only at *second-hand*, and do not necessarily go along with the

### 36 REMARKS on the LANGUAGE

Language: for, I believe, you will find no errors of this kind in any Antient Writer, to whom the bare reading it over would at first sight have discovered the fault. Now to show how easily the Moderns may fall into such mistakes, I will give you an Instance or two. The first shall be in an Acquaintance of yours, who a few years ago published some Annotations upon *Max. Tyrius*: in which you have these words p. 667. col. I. “Vox enim *κορυφῇ*, sola, non significare  
“ puto *montis jugum* vel *verticem*.” This is exactly a parallel case. the Author set out with the intent of writing, *non significat, puto, montis jugum* &c. but before he had written half a dozen words, he had forgot the *Vox* and *sola*; and wrote *significare puto* as if *Vocem* and *solam* had gone before. An other Instance shall be in a Man of much greater Knowledge and Use of the *Latin* Tongue than either the Writer of these Epistles, or the Annotator upon *Max. Tyrius*: I mean the late learned Mr. *Burman* of *Leyden*; who in his Note upon those words of *Quintilian* (*Institut. viii. 6. p. 742. col. 1.*) *centaurum Chirona*, observes that in one of *Vossius*’s MSS, instead of *Chirona*, it is *hoc cona*; under which word he does not doubt  
but



but the true reading is conceal'd. this he expresses thus: "*nullus vero dubito, QUIN in illa voce hoc cona LATERE aliam appellationem, quae constituat metalepsim.*" He intended at first to have written, *nullus dubito QUIN LATEAT alia appellatio.* but, his Pen going on, and his Thoughts straying, he forgot that he had put *quin*; and so ended the sentence as he would have done had the word *quin* been away; or as if instead of *nullus dubito quin* he had written *opinor* or *puto*. I mention this without the least Malignity towards the Memory and Reputation of that Excellent and Useful Scholar; and with no other view than to show, how easy it is for us, who are Foreigners to the Antient Language of *Rome*, to fall into mistakes of this kind; which mistakes, it is probable, we should have avoided, had we written in the Tongue of the Countries in which we were born and lived. Nor should I have thought it worth while to mention such a slip of Memory in any Modern Writer of *Latin*, or in the Author of these Letters, had he published this Epistle in his own Name, and not endeavoured to pass it upon us as the Writing of *Brutus*. If it be said, that the passage which I have

been speaking of ought to be corrected, and read A QUO *expectet*, instead of QUI *expectet*: It may be answered, That this is begging the Question in Dispute, and proving one uncertainty by another. Let the Epistle, which is now *suspected* to be a *Forgery*, be first proved to be the *genuine* Work of *Brutus*, by confuting all the Reasons and Objections that can be brought against it; and then no Difficulty will be made in admitting the Correction. in the mean time, the present Reading of all the Copies as far as we know, is an Argument on the other side of the Question, and greatly strengthens the Proof that this Epistle *is not* the writing of *Brutus*. And the same may with great appearance of Truth be said of several other passages in these Letters, which learned Men have altered contrary to all the Copies; and which, in all probability, are not the mistakes of Transcribers, but of the Author himself.

The words which immediately go before the passage I have been speaking of (Epist. xxii. p. 174) are these: *De Caesare verò, quod fieri potuit ac debuit, transactum est; neque jam REVOCARI in integrum potest.* One would imagine that this expression *re-*  
*vocari*

*revocari in integrum* was borrowed from *Livy*; but that through failure of Memory one word was put in instead of another, *revocari* instead of *restitui*: as it frequently happens to us when we remember the Sense and perhaps some of the Words of any passage in an antient Writer, and either supply the rest of ourselves, or endeavour to put together those which we do remember: in which last case, if we have but little skill in the Language, it is great odds but we are led into some such Mistake as seems to have befallen our Author here. The place of *Livy* is Lib. xxxi. 32. in the Speech of *Damocritus* the *Praetor* of the *Aetolians*: *celerem enim poenitentiam, sed eandem seram atque inutilem* (dixit) *sequi; quum praecipitata raptim consilia neque REVOCARI, neque IN INTEGRUM RESTITUI possint*. Whether our Author took the expression from this Place, and confounded *revocari in integrum* with *restitui in integrum*, I cannot say: but, whence soever it came hither, I believe we may safely affirm that *revocari in integrum* is not to be found in any good Latin Writer, notwithstanding that *restitui* and *revocari* may be used indifferently upon other occasions: See *Val. Maximus* iv. 1. 4.



extern. compared with V. 1. 9. and V. 2. 6. He might better have put the contrary to *in integrum*, namely, *in irritum*; as in *Marcus Seneca* Controvers. iv. 26. *placet mihi in irritum revocari quae gesta sunt. Restituere in integrum* is a very common expression, borrowed originally from the Civil Law. it signifies, *To restore a Person or Thing into the condition in which it formerly was: id enim est INTEGRUM quod ita esset ut fuisset*, as it is defined in the *Auctor de Bell. Alexandrino*, c. 35. I need not transcribe Instances of a Phrase so obvious: but, if any body is desirous to see some of them, he may look into (besides those mentioned by *Faber* in his *Thesaurus*) *Cicero* Orat. pro Cluentio c. 36. pro L. Flacco c. 32. Philippic. ii. 23. *Caesar* Bell. Civ. iii. 1. *Auctor. De Bell. Alexandrino* c. 70. *Lucius Seneca* Consol. ad Marciam c. 22. De Benef. iii. 14. Epist. xlviii, lxvi, and xcvi. *Suetonius* in Jul. c. 16. *Justin* xxxi, 1. In the lower Age of the Latin Tongue I find it changed into *reddere in integrum* in *Lampridius* in *Alexandro* c. 7. and in *Flavius Vopiscus* in *Aureliano* c. 17. and in *Caro* c. 2. tho' *Lampridius* in *Commodo* c. 6. retains the antient Latin Form, as

does

does a lower Writer, *Ammianus Marcellinus*, four times; and *Macrobius Saturn.* vii. 5. *Philoxenus* has retain'd it in his *Glossary*: *In integrum restituet*: εἰς ἀνέργιον ἀπκαλᾶσῃσι. *Gruter* takes notice that in the antient Editions and in some MSS, instead of *revocari* is found *provocari*, neither of which seems to him the true reading.

In the same Epistle, p. 178. *Idem Cicero*, *si flexerit adversus alios judicium suum, quod tanta firmitate ac magnitudine direxit in exturbando Antonio, non modò reliqui temporis gloriam eripuerit sibi, sed etiam* etc. By *magnitudine* in all probability he meant *magnitudine animi*, *greatness of mind*, as Epist. ii. p. 10. and xix. p. 130. But *magnitudine*, by itself, no more signifies *greatness of mind*, than it does *greatness of riches* or of *wickedness*: and he might every whit as properly have written *tanta firmitate ac CRASSITUDINE*. But to do him justice, the words are capable of another Construction, if you join *quod tanta firmitate ac magnitudine* with *judicium*, so as to make it the same thing as if he had said, *judicium quod tam firmum ac magnum*: and then the question will be what he means by *judicium direxit*. for the expression *dirigere judicium*,

to guide or direct the Judgement or Faculty of judging, (I cannot find that it has any other signification) besides that it is not at all to the purpose here, has usually join'd with it the Thing BY which the Judgement is guided or directed: as De Fin. Bon. et Mal. i. 19. *regula AD QUAM omnia judicia rerum DIRIGANTUR.* In Orator. c. 71. *sed ne in maximis quidem rebus quidquam adhuc inveni firmitus quod tenerem, aut QUO judicium meum DIRIGEREM, quàm id &c.* Quintilian Instit. vi. 5. *ideoque nos, quid in quaque re sequendum cavendumque sit, docebimus, ut AD EA judicium DIRIGATUR.* According to this, he should have written, *judicium suum quod direxit AD exturbationem* (or *exturbatione*) *Antonii*, not, *in exturbando Antonio*. Let us try it another way, by putting a stop after *direxit*, and taking *in exturbando Antonio* apart, in the sense of, *when he expell'd or routed Antony*. Still there will recur the same difficulty concerning *judicium direxit* when left to it self. What is the Sense and Meaning of it? or how can it be explained and illustrated by proper and similar examples from Cicero and other good Writers? He seems to have meant, *consilium* (not *judicium*) *suum quod direxit*



*direxit ad exturbandum Antonium*: as in Quintilian x, 1. AD EA se quisque dirigebat EFFINGENDA quae poterat. The whole Sentence looks like the crude conception of a young or injudicious Writer, who, not understanding the Language in which he wrote, aimed at something which he was not able to express, and has left it to us to make what we can of it.

The expression *in exturbando Antonio* is one of those from whence I imagine that this Author had read *Tacitus*, from whom he seems to have taken it, *Annal. ii. 2. Ubi illam gloriam trucidantium Crassum, EXTURBANTIUM ANTONIUM; si mancipium Caesaris, tot per annos servitutem perpeßum, Parthis imperitet?* not so much because these two words are joined together, as because I do not find that *Cicero* ever uses the Verb *exturbare*, in the Sense here required, without an Ablative Case. according to which, if this Author had imitated *Cicero*, he would have written *in exturbando e civitate Antonio*, or something to that effect. See the Orat. pro *P. Quinctio* c. 15, and 31. pro *Muraena* c. 22. pro *Sulla* c. 25. pro *P. Sextio* c. 30. Hence it was that, *Ad Attic. viii. 16. itaque quaero, qui sint illi optimates, qui*  
me

#### 44 REMARKS on the LANGUAGE

*me* exturbent, *cum ipsi domi maneant*; instead of *cum*, *Victorius* read, exturbent *Cumis*, *ipsi* etc. But there was no need of this, for the word *domo* is to be repeated from the latter part of the Sentence: which is very usual, and better than if it had been express'd: *qui me [e domo] exturbent, cum ipsi domi maneant*. And so it is to be understood in the Orat. pro *A. Cluentio* c. 5. *lectum geniale*——*in eadem domo sibi ornari et sterni, expulsâ atque exturbatâ [ex domo] filiâ jubet*. I know that the Author of the Oration pro *Domo sua* uses the word *exturbare* absolutely, c. 42. where *Cicero* is speaking of his own Expulsion by *Clodius*: *cum indemnatum exturbares, privilegiis tyrannicis irrogatis*. but the true *Cicero* never writes in that manner, concerning *Place*.

Again, in the same Epistle, p. 168. *neque magis irritatus esset Antonius regno Caesaris, quàm ob ejusdem MORTEM deterritus*. He should have said, *quam ejusdem MORTE deterritus*: not *ob mortem*. and so this same *Brutus* writes Epist. vi. *nulla RE deterri a proposito potest*: and Epist. xv. p. 100. *nulla erit tam bona conditio serviendi QUA deterrear*. So *Cicero* de Fin. V. 18. *verberibus deterri*. *Livy* ii. 54. *damnatione*

*natione, periculo deterriti. x. 30. non deterritus iniquitate loci. Hirtius Bell. Gall. viii. 44. exemplo supplicii deterreri. Seneca Ep. lxxvi. nulla re deterreri. Corn. Nepos Dion. c. 8. religione non deterritus.* Nor can I ever find it otherwise in any Author. The expression at the bottom of the same page, *ut esset sui juris ac MANCIPII respublica*, seems to be very low and improper. What Antient Author ever writes in this manner? He meant what <sup>b</sup> *Hirtius Bell. Gall. viii, 52. and Pliny Nat. Hist. vi, 26.* express much bet-

<sup>b</sup> The whole Passage of *Hirtius* is this: *Nam C. Curio, tribunus plebis, quum Caesaris causam dignitatemque defendendam suscepisset, saepe erat senatui pollicitus, si quem timor armorum Caesaris laederet, et quoniam Pompeii dominatio, atque arma, non minimum terrorem FORO inferrent; discederet uterque ab armis, exercitusque dimitterent: fore eo pacto liberam et sui juris civitatem.* It seems strange that the great Power and Arms of Pompey should be said to occasion terror to the *forum* only. one might have expected that he would have said, *to the whole State*; as *Caesar* does, concerning this very Matter, *Bell. Civ. i. 9. metus e CIVITATE tollatur*: and a little higher, *omnem Italiam metu liberare.* The word *foro* does not therefore express enough; because, tho' Pompey might free the *forum* from the terror of his Power and Arms, yet it would not follow that therefore the *Civitas* or *State* would be *libera et sui juris*. The place is faulty, and I think ought to be read thus: *non minimum terro-*  
ter



ter, *LIBERAM et sui juris civitatem*. So *animus SUI JURIS et ARBITRII*, in *Seneca rem PO. RO. inferrent*, that is, *populo Romano*: for that in Manuscripts is frequently the manner of expressing those two words; and when once the Points were omitted by any Transcriber, it was natural for the next, instead of *PORO*, which he could make nothing of, to write *FORO*. And in fact this has been the occasion of several mistakes of the same kind: So in *Caesar Bell. Civ. i. 9.* instead of *populi Romani beneficium*; in almost all the Manuscripts and antient Editions it is *PRO beneficio*; which was, *P. RO. beneficium*: but when the Stops after *P* and *RO* were dropt, the two words became one, namely the Preposition *pro*; and that requiring an Ablative Case, it was necessary that *beneficium* should be changed into *beneficio*. of which last sort of depravations there are very many in *Caesar*. Again, in *Cicero in Verr. iii. 12.* *affeculae istius non a PATRE ei traditi, sed a meretricula commendati*, instead of *Patre*, which is quite impertinent, *Francius's* Manuscript has *populo Romano*, which in all probability is *Cicero's* Hand. See *Graevius*. Here too *PORO* or *PRO* not being understood, seems to have given occasion to the interpolated word *PATRE*. Once more, in a fragment of *Cicero's* second Oration for *C. Cornelius* p. 974. T. vi. ed. *Graev. nullo intercessore comparato, proderit.* instead of the last word *Manutius* reads *populo R. dedit*. His Note is this: "*proderit* ] Conjecturam, et simul "*historiam fecutus, reposui, populo R. dedit: mutatione fere nulla, cum, ut opinor, ita scriptum fuerit in antiquo libro, P. Ro. dedit, quod imperiti "*postea depravarunt, ut ejusmodi multa."

Consol.

Consol. ad Polyb. c. 27. Cicero in Verr. ii, 7. SUI JURIS SENTENTIAEQUE. Livy xxiv, 37. *ad eum mitterent legatos, cujus JURIS atque ARBITRII esset.* xxv, 7. Marcellus, *id nec JURIS nec POTESTATIS SUAE esse, dixit.* xxxviii, 47. *nondum in JURE ac DITIONE vestra Graecia atque Asia erat.* Spartianus in Adrian. c. 18. *si suae AUCTORITATIS essent.* Vulcatius Gallicanus in Avid. Cassio c. 7. *Si POTESTATIS suae fuisset.* From this Variety of expression you see, that there was no want of a proper phrase, could our Author have been contented to write like other people. Seneca de Benef. V, 19. applies the expression to a slave: *et qui agrum meum colit, non illum, sed me demereri vult. idem de servo dicam: MEI MANCIPII res est, mihi servatur.* he is MY PROPERTY.

Once more, in the same Epistle, p. 170. *Sed nihil TANTI fuit, QUO venderemus fidem nostram et libertatem.* This I presume is not Latin. it ought to have been TANTI fuit UT venderemus. For tho' quo is often used for ut, yet I believe it never is, nor can be, where tanti goes before. Cicero ad Attic. xi, 16. *Sed ego non adducor, quemquam bonum ullam salutem putare mihi TANTI fuisse,*

*fuisse, UT ab eo peterem. xii, 5. nihil tamen TANTI, UT a te abessem, fuit. Tibullus ii. 7. 24.*

*Non ego sum TANTI plorete UT illa semel.*

*Pliny Epist. viii. 9. Nulla enim studia TANTI sunt, UT officium amicitiae deferatur.*

Examples are every where to be met with, and not one, I believe, of the other kind. Had he left out *tanti*, the passage would have been right as it now stands: or had he written *tantum*; as in *Marcus Seneca Suasor. i. nihil tantum est, quod ego Alexandri periculo petam. Cicero Fam. xii, 8. Nihil est tantum, quod non Pop. Romanus a te perfici atque obtineri posse judicet. Or, nulla res tanta fuit UT, or QUA venderemus. So Cicero pro S. Roscio c. xi. nulla res tanta existat judices, UT possit vim mihi majorem adhibere metus quam fides. Ad Attic. iv, 2. Nulla esse potest (occupatio) tanta, UT interrumpat iter amoris nostri et officii. and so De Fin. iii, 13. Terence Heauton. iv, 3.*

*Nulla mihi res posthac potest intervenire tanta, QUAE mihi aegritudinem adferat.*

*Cicero in Verr. i, 18. ne nunc quidem recordaris, nullum esse tantum malum, QUOD*  
*non*



*non tibi pro sceleribus tuis jamdiu debeatur?*  
See in Verr. iii, 24. pro Cn. Plancio c. 32.  
Auctor. ad Herennium iv, 42. Here are  
Four ways of being in the right, with very  
little variation; and our Author chooses to  
be in the wrong in a Fifth.

Epist. xix. p. 132. *Sed ita multi LABE-*  
*FACTANT, ut, ne MOVEATUR, interdum*  
*extimescam.* That is, *but there are so many who*  
*MAKE HIM TOTTER, that I am sometimes*  
*afraid lest he should be MOVED.* Which  
is as if you should say of a bad Writer, *That*  
*he makes Mistakes not only in every LINE,*  
*but even in every PAGE.* He ought rather to  
have transposed the words, and to have  
written, *sed ita multi MOVENT, ut, ne*  
*LABEFACETUR interdum extimescam.*  
for *movere* is much *less* than *labefactare*.  
a person who pushes another from him  
with his hand, tho' ever so gently, does  
*MOVERE illum*: but if he does it so  
violently as to cause the other to *stagger*,  
and to be *near falling down*, he does *LA-*  
*BEFACTARE* (i. e. *facere labare*) *illum*.  
and therefore *movere* always goes before  
*labefactare* or *labare* in the order of Nature.  
Cicero De Fin. iii, 22. *quid non sic aliud ex*  
*alio neſtitur, ut non, ſi ullam (i. unam) lit-*  
E teram

*teram moveris, labent omnia?* which he repeats Lib. iv, 19. *Et ais, si una littera commota sit, fore, tota ut labet disciplina.* He expresses all the three Degrees (*moveri, labefactari, concidere* or *ruere*) in the Orat. pro Leg. Manil. c. 7. *Haec fides atque haec ratio pecuniarum, quae Romae, quae in foro versatur, implicita est cum illis pecuniis Asiaticis, et cohaeret. ruere illa non possunt, ut haec non eodem LABEFACTATA MOTU CONCIDANT.* and Livy xxxv, 20. *Saxum ingens, sive imbris, sive MOTU terrae levioze quam ut alioqui sentiretur, LABEFACTATUM, in vicum Jugarium ex Capitolio PROCIDIT, et multos oppressit.* The first step is *motus*, which does *labefactare* the things spoken of; the consequence of which is *concidunt* and *procidit*. but Cicero was so great a Pedant, and unlike our Author in these matters, that you would never have prevail'd upon him to change the order, and to write, *ut haec non eadem labefactione mota concidant*; or, *ut haec non eodem labefactata casu moveantur.* Columella, tho' an excellent writer, was not perhaps so great a Critic in the Latin Tongue as Cicero was: yet he knew enough of it to

say,

say, *ne vento surculus MOTUS LABEFAC-*  
*TETUR, aut explantetur tener pampinus,*  
*De Re Rust. iv, 29. and so did Tacitus,*  
*Annal. iv, 13. factaque, auctore eo, sena-*  
*tus consulta, ut civitati Cibyrticae apud*  
*Asiam, Aegirensi apud Achaïam, MOTU*  
*terrae LABEFACTIS, subveniretur remissione*  
*tributi in triennium. Ovid puts the two*  
*last parts only, Met. ii, 402.*

*nequid LABEFACTUM viribus ignis*  
*CORRUAT, explorat.*

and in like manner *Met. viii, 774. and*  
*Fastor. ii, 59. and Cicero De Fin. iii, 21.*  
*LABEFACTARE atque PERVERTERE.*  
 Our author, instead of *ne moveatur*, should  
 have written, *ne funditus evertatur*: as in  
*Verr. iii, 18. LABEFACTARAT enim ve-*  
*bementer aratores jam superior annus: prox-*  
*imus: verò, FUNDITUS EVERTERAT.* or,  
*ne demoveatur et depellatur de loco,* as pro  
*Caecina c. 17. which Cicero elsewhere of-*  
*ten expresses simply by movere loco: others*  
*by statu or de statu movere. But does not*  
*Virgil Georg. ii, 264. write,*

*Et LABEFACTA MOVENS robustus jugera*  
*fossor?*



He does, and confirms the Truth of what I have been saying: for this was so contrary to the natural Order of Writing, that *Servius* thought it worth while to advertise the Reader, that *Virgil* here writes *Poetically* and *Figuratively*. *Hypallage*: *MOVENS et LABEFACIENS*. If *Virgil* had written in the Ordinary manner, there would have been no need of *Servius's* Note.

Epist. xv. p. 96. *Aetas enim, mores, liberi, SEGNEM efficiunt*. If *Brutus* wrote in this manner, it shows the Truth of what *Cicero* says concerning him, *Ad Attic. vi, 3. that Brutus does not in the least consider WHAT he writes, nor TO WHOM*. For here in a Friendly Letter to *Atticus*, without any provocation, and at the same time that he says, *nec mehercule te, Attice, reprehendo*, and below p. 100. declares, that he loves him; he is *abusing* him to his face: and that too in a Circumstance which did not at all belong to the Character of *Atticus*, who was the furthest of any Man in the World from the suspicion of being *segnis*. Our Author undoubtedly meant by that Word, *averse to publick Business*, not caring to concern himself in State-Affairs, *otii quietisque cupidus*, as *Vell. Paterculus* (i, 7.) expresses it,

it; a lover of that *otium honestum* which Cicero (Ad Attic. i, 17.) says *Atticus's* inclinations always led him to, who *non INERTIA, sed judicio, fugit reipublicae procurationem*, as Corn. Nepos relates of him in his Life, c. 15: one of those who, *remoti a studiis ambitionis, otium ac tranquillitatem vitae secuti sunt*, pro Muraena c. 27. But this Writer did not know that *segnis*, when apply'd to the *Mind*, as here it must be, (for if he meant it of *slowness of Body*, the proposition is *false*, and *not to the purpose*) is a *Vicious Character*, and signifies a *Slothful Person*, one who thro' *Laziness* and a blameable *Indolence*, or unreasonable *Fear*, or, at least, through a natural *Incapacity* and want of *Parts*, is *deficient* in his *Duty*. The Antients would have taught him this, had he read them with any Attention. Cicero pro P. Sextio c. 23. *ne, siqua vos aliquando necessitas ad rempublicam contra improbos cives defendendam vocabit, SENIORES sitis, et recordatione mei casus, a consiliis fortioribus refugiatis.* Livy xxii, 12. where he is speaking of *Minucius* and his reviling *Fabius* the *Cunctator*, because he would not come to a Battle with *Anibal*: *primo inter paucos, deinde propalam*

54 REMARKS on the LANGUAGE

*in vulgus, pro cunctatore SEGNEM, et cauto timidum, adfingens vicina virtutibus VITIA, compellabat.* Cap. 44. *quum — Varro speciosum timidis ac SEGNIBUS ducibus exemplum Fabii objiceret.* xxiv, 15. *fortissimus quisque puginator esse desierat: SEGNIBUS ac timidis tradita pugna erat.* Tibullus i, 1.

*Non ego laudari curo, mea Delia: tecum  
Dummodo sim, quaeso SEGNIS inersque  
vocer.*

See Seneca de Ira i, 13. Pliny Nat. Hist. iii, 5. Tacitus Annal. xvi, 25. *SEGNES et pavidos supremis suis secretum circumdare: aspiceret populus virum morti obvium etc.* Hist. ii, 82. *Ipse Vespasianus adire, hortari; bonos laude, SEGNES exemplo, incitare saepius quam coërcere; VITIA magis amicorum, quam virtutes, dissimulans.* Quintilian Instit. i, 3. speaking of the *Parts and Dispositions of Youth: PROBUS autem ab illo SEGNI et jacente plurimum aberit.* If therefore our Author took *segnis* in a Good or Indifferent Sense, he mistook the signification of the Word; but if he took it in a Bad one, what he says is False, and Injurious to the Character of *Atticus*. Instead of *segnem* he might have put *cautum*. The word *liberi* is frequently used when only *one* Child



Child is spoken of, as here: see *Cicero* in *Verr.* i, 30. (where by *liberorum* he means *Philodamus's* Daughter) *Gellius* N. A. ii, 13. and Mr. *Duker's* Note upon *Florus* iv, 3. Nevertheless the Author in this place perhaps might leave *libri*.

The same Unskilfulness in the Use of the Latin Tongue appears likewise *Epist.* xi. p. 72. *Quasi non liceat traduci ad mala consilia corruptum LARGITIONIBUS animum.* By *largitionibus* he means *concessions* of Honours and Command which were conferr'd upon *Octavianus* by the Senate; in the promoting of which, *Cicero* had a great share. But this ought to have been *honorum et imperii largitionibus*, not simply *largitionibus*; which word has a meaning very different from what our Author here intended to express, not only in *Cicero*, but in all good Writers. For tho' the Verb *largior* signifies to grant or bestow, in any manner; and *largiri honores* is to confer or grant honours in *Horace* *Epist.* ii, 1. *Tacitus* *Annal.* xi, 12. *Suetonius* in *Claud.* c. 29. and *Ausonius* *Grat. Act.* c. 31: yet *largitio* or *largitiones*, the Substantive, when used alone, has a Peculiar Sense, more confin'd; and signifies, *First*, those donations of Money, Lands,

Corn, Entertainments, Plunder of conquered Cities, Games, Plays, Gladiators, *etc.* which were made by the *Tribunes* and others to the Populace; by *Generals* to their Soldiers; by *Candidates* for Posts of Honour and Profit to those whose Favour and Interest they stood in need of; by *Magistrates* to the People, upon their entrance into Office: or any other Instances of the like kind, which are many. Hence in the *Glossary* the word *largitio* is rendred διανομή, a *deal*, or *distribution*; as if that were the only signification of it. This Sense of the word, which I have been mentioning, is the indifferent and innocent one. But because *largitiones* were commonly made with a view to *Ambitious* purposes, thence the word began to have, *Secondly*, a *Bad* sense put upon it, and frequently to imply *Bribery*: see the Orat. pro *Muraena* c. 3. and pro *Cn. Plancio* c. 2. 6. and throughout the whole Oration. Hence *Cicero* De Orator. ii, 25. joins *ambitu* atque *largitione* as almost Synonymous Terms; and in the same place distinguishes between *liberalitas* and *largitio* as different things, when he says, that in Causes de *Ambitu*, raro illud datur ut possis LIBERALITATEM ac benignitatem ab ambitu atque

LARGITIONE *sejungere*. and so *Ad Attic.* vi, 6. and again *Orat. pro Muraena* c. 36. *quare nec plebi Romanae eripiendi fructus isti sunt ludorum, gladiatorum, conviviorum; (quae omnia majores nostri comparaverunt) nec candidatis ista benignitas adimenda est, quae LIBERALITATEM magis significat quàm LARGITIONEM: liberality rather than bribery.* These last mention'd largitiones are those which he calls *improbae*, *Orat. pro P. Sulla* c. 23. and *perniciosa largitio*, *pro Muraen.* c. 37. distinguishing them from the former which were Legal and allowed. And these two notions of the word *largitio* run through all the Antient and best Latin Writers, and occur every where, so as to make it unnecessary to produce Instances. If you would throw it out of one or other of these two significations, you must add another Substantive to it: as *Orat. pro Muraena* c. 20. *AEQUITATIS largitio*: *pro L. Balbo* c. 13. *largitio CIVITATIS*: *Seneca De Benef.* i, 2. *largitio BENEFICIORUM*: *Val. Maximus* ix, 12. *BONI largitio*. But if you join the word *corruptus* to it, and omit the Substantive, as our Author does here, you fix it down to *Bribery*. *Cicero pro Cn. Plancio* c. 51.



C. 15. *Hoc igitur sensimus: cujuscumque tribus largitor esset, et per hanc consensionem, quae, honeste, magis quam vere, Sodalitas nominaretur, quam quisque tribum turpi LARGITIONE CORRUMPERET, eum maxime iis hominibus, qui ejus tribus essent, esse notum.* and cap. 16. *dubitatis, quin eas tribus—judicarit officiis ab hoc observatas, non LARGITIONE CORRUPTAS?* De Legg. iii, 17. *Itaque ut onittam LARGITIONE CORRUPTA suffragia, non vides si quando ambitus sileat, quaeri in suffragiis quid optimi viri sentiant?* Thus in *De petit. Consul.* c. 14. *comitia INQUINATA largitione;* to which is opposed *gratis* just after; as *gratuita comitia* Ad Attic. iv. 15. and in the Oration or Declamation against Cicero, which goes under the name of *Salust*, cap. 1. *apud Pop. Romanum, qui ita LARGITIONIBUS CORRUPTUS est, ut se ipse, ac fortunas suas venales habeat?* Florus i, 26. *interque haec omnia, nullius acrior custos quam libertatis fuit; nullaque in pretium ejus potuit LARGITIONE CORRUMPI.* Here therefore our Author should have written *largitionibus honorum*, or, *honoribus nostris, corruptum*: otherwise he will confound a person of *Octavianus's* Condition and Figure with the meanest of the Populace, who,  
being

being *largitionibus corrupti*, corrupted by bribes, for the sake perhaps of a few *Sesterces* would give their Suffrages to any body or to any thing. I believe any Antient Roman, who had read this Sentence, would have taken it in this latter sense, and could have taken it in no other: unless it can be made appear by Instances, that *Honours* conferr'd by the Senate (as well as *Bribes*) may be called simply *largitiones*. What our Author means, *Cicero* expresses much more clearly by *honoribus nostris elatus*, Philipp. V, 18. *ne verendum quidem est ut tenere se* (Caesar) *possit, ut moderari, ne HONORIBUS nostris ELATUS intemperantius suis opibus utatur*.

Nor is his Judgment better in the use of the word *liceat* in this place: *quasi non LICEAT traduci ad mala consilia corruptum largitionibus animum*. For tho' *licet* and *potest* may be, and often are put indifferently; yet not always. *LICERE dicimus* (says *Cicero*, Philipp. xiii, 6.) *quod legibus, quod more Majorum institutoque conceditur*. and so it is to be taken in that passage of the Orat. pro *Rabir. Postumo* c. 5. where he is speaking to the Judges: *quid deceat vos, non quantum LICEAT vobis, spectare debetis. si enim quod LICEAT, quaeritis, potestis tollere e civitate*

*vitae quem vultis.* by *liceat* he means the power that is allowed you, as Judges, by the *Laws*. Thus Epist. x. of this Collection, p. 68. *Sed quamvis LICEAT absentis rationem haberi, tamen omnia sunt praesentibus facilia.* here *LICEAT* is right, and he might have written *POSSIT ratio haberi*, as he did a little before. But if you were to translate into *Latin* this sentence, *As if a Man could not kill his Father!* you would not say, *Quasi non LICERET cuipiam patrem suum interficere!* but rather, *Quasi non POSSET quispiam* etc. When it is said Aët. i. in *Verr. c. 2.* *Nibil esse tam sanctum, quod non violari; nihil tam munitum, quod non expugnari pecunia POSSIT;* it would be ill-judged if any body should put *liceat* in the room of *possit*. for what need is there of this *Ambiguity* which borders upon and leads into *Falshood*, when the thing may be express'd directly, and without any possibility of causing the Reader to mistake? *Cicero* indeed himself once fell into the same error of expression in this very word *licet*. but he immediately corrects himself, and owns that it is a Vicious Form of Speech, *Tuscul. Disp. V, 19.* where he is speaking of *Cinna*, who put to death so many



many famous Men: *Beatusne igitur, quia  
 hos interfecit? mihi contra, non solum eo vi-  
 detur miser quod ea fecit; sed etiam quod ita  
 se gessit, ut ea facere ei LICERET: etsi pec-  
 care nemini LICET: sed SERMONIS ER-  
 RORE labimur; id enim LICERE dicimus  
 quod cui conceditur.* Now tho it cannot be  
 denied that this use of the Verb *licet* which  
*Cicero* here finds fault with, is often to be met  
 with in Latin Writers, especially Poets and  
 Orators, in the sense of *power*, howsoever  
 applied, lawfully or unlawfully; yet even  
 then the Construction and Form of the  
 Composition is different in the Antients (see  
*M. Seneca Suafor. vi. p. 30. ed. Gronov.*  
*Q. Curtius vi, 10. Virgil Aen. vi, 502.*  
*Lucan viii, 537. Martial iv, 18.)* from this  
 of our Author, who would have done bet-  
 ter had he taken *Cicero's* hint concerning  
 this word, and instead of it had put *POSSIT*  
 or *SOLEAT corruptus animus*; according to  
 that distinction in *Verr. iii, 81. scio quid*  
*SOLEAT fieri; scio quid LICEAT.*

Again, *Epist. xii. p. 78. in Panfae locum*  
*PETERE constituit. he resolves to sue in*  
*Pansa's place. To sue for What? Pansa*  
*was in the Consulship when he died. but That*  
*cannot be meant here for several reasons;*

as is well known to those who are acquainted with the History of that Time. If *Pansa* died posselt of any other Post for which *Bibulus* intended to be a Candidate, that *particular* Post ought to have been mentioned with *petere*: otherwise the meaning will be unintelligible. So Philipp. xi, 5. *Quid Bestiam? qui se CONSULATUM in Bruti locum PETERE profitetur.* *Auctor ad Herenn. i, ii. Altera lex jubet, AUGUREM, in demortui locum qui PETAT, in concione nominare.* *Coelius in Cicero Famil. viii, 4. Illud te non arbitror miratum, Servium, designatum TRIBUNUM PLEBIS, condemnatum: cujus locum (f. in cujus locum) C. Curio PETIIT.* Thus it is always: and Reason shows that it cannot be otherwise, whenever any *particular* Office or Post is spoken of. for it is impossible to know from the single word *petere*, *to be a candidate*, whether you mean that the person intends to be a candidate for the Office of *Quaestor*, *Tribune*, *Aedile*, *Praetor*, *Consul*; or *Flamen*, *Quindecemvir*, or any other Priesthood. But whenever the Verb *petere*, or *petitio*, or *petitor*, occur without any mention of a *particular* Post, they are to be taken in a *general* Sense, and signify the same as, *petere*

*tere honores* or *magistratus*, *petitio* and *petitor honorum* or *magistratum*. Instances of the Verb in this general Sense, without the addition of *honores*, or *Quaesturam*, *Praeturam*, *Consulatum*, etc. are very scarce. there is one in the *Orat. pro P. Sextio* c. 64. *qui legem eam contemnat quae dilucide vetat, gladiatores biennio, quo quis petierit, aut petiturus sit, dare?* which words are repeated in the *Interrogatio in Vatinius* c. 15. But the Substantive *petitio* for *petitio honorum* is very common. Thus in our Author *Epist. xxi. p. 152. Statuam Philippus decrevit; celeritatem petitionis primò Servius; post majorem etiam, Servilius.* where *celeritatem petitionis* signifies, the privilege of suing for Offices (in general) before the legal time, as Dr. Middleton rightly translates it. So *Cicero Philipp. V, 17. Itaque Majores nostri, veteres illi, admodum antiqui, leges annales non habebant; quas multis post annis attulit ambitio, ut gradus essent PETITIONIS inter aequales.* See *Quintilian Instit. iv, 2. ad PETITIONEM descenderit*: and *Horace Carm. iii, 1. Descendat in campum PETITOR.* Here therefore our *Brutus* discovers great ignorance in the Latin Tongue, and writes (I will venture to affirm) as no Antient Roman



man Author ever did, when he says that *Bibulus* intends (*petere*) to be a candidate for *Pansa's* Place, without any mention or hint *What* it was that he intended to be a Candidate for. Dr *Middleton* is of opinion that it was a place in the College of *Pontifices*, or *minor Priests*, that *Bibulus* was now suing for: *Not. in Loc. n. 2.* I cannot tell whether there be any express Proof from Antiquity that *Pansa* was *Pontifex* when he died. if there be not, it should rather seem, that the Favour and Credit in which he had for a long time been with *Julius Caesar*, who had in his power the disposal of almost every thing, would require something of greater *Dignity* and *Authority* than a *minor Priesthood*; viz. the *Augurate*<sup>a</sup>. Now that *Pansa* was *Augur* at the time of his death, may be collected from *Cicero* himself, in a Letter to *Q. Cornificius*, *Famil. xii, 25.* *Hirtium qui-*

<sup>a</sup> Unless he was both *Augur* and *Pontifex*, as *Q. Fabius Maximus* was, *Livy xxx, 26.* and *C. Servilius Geminus* was *Pontifex maximus* and *Decemvir sacrorum*, *xl, 42.* *Galba* had *sacerdotium triplex* at the same time, *Suet. Galb. c. 8.* *Vespasian* had *duplex*, *Vespas. c. 4.* But *Commodus* was a Member of all the Colleges of the Priests, *Lamprid. in Commod. c. 12.*

*dem et Panſam, COLLEGAS nostros, homines in consulatu reipublicae salutare, alieno sane tempore, amiſimus.* and that Cicero was *Augur* at that time is certain from Philipp. ii, 33. xiii, 5. xiv, 5. and many other places, and from *Pliny* Epist. iv, 8. which passage I shall quote below. The word *nominationem* too, which our Author here makes use of, is *proper* in this matter of the *Augurs*: See Cicero Philipp. ii, 2. xiii, 5. Livy x, 8. *Pliny* Epist. iv, 8. speaking of the *Augurate*, into which he had been chosen: *Mibi vero etiam illud gratulatione dignum videtur, quod successi Julio Frontino, principi viro: qui me nominationis die per hos continuos annos inter sacerdotes NOMINABAT, tanquam in locum suum cooptaret.* and a little lower: *Te quidem, ut scribis, ob hoc maxime delectat Auguratus meus, quod MARCUS TULLIUS AUGUR fuit.* But whichsoever (if either) of these our Author meant, whether the *Augurate* or *Pontificate*, he ought to have exprest himself, in *Panſae* AUGURIS (or PONTIFICIS) locum petere constituit: or, in another Form, AUGURATUM (or PONTIFICATUM) in *Panſae* locum petere constituit. and in the same manner in any other Priesthood, in

*Pansae* FLAMINIS DIALIS locum, in *Pansae* QUINDECIMVIRI locum etc. examples of which are frequent. If it be said, that the *Augurate* was too high and unusual a Dignity (as indeed ordinarily it was) for so young a person as *L. Bibulus*; our Author must answer for that as well as he can, if he meant the *Augurate*. tho' perhaps he himself did not well know what Post he designed for his Candidate, and therefore made use of the general word *petere*, which, when put alone, comprehends *All* as properly as *Any One* of the Offices which *Pansa* died posselt of. at least it is impossible for us to know his meaning: and it is no great matter whether we do or not. However, there is a passage in the *Epist. Familiar. ii, 17.* from whence perhaps the hint of the Subject of this Letter might be taken: *ille (M. Bibulus) autem cum ad Thermum de Parthico bello scriberet, ad me litteram nunquam misit, ad quem intelligebat ejus belli periculum pertinere: tantum de AUGURATU filii sui scripsit ad me.*

In the same Epistle p. 80. there is a passage which it is difficult to understand: *Apuleium verò tu tua auctoritate sustinere debes: sed Domitius IN sua Epistola CELE-*  
BRA-



BRABITUR. The difficulty lies in the Verb *celebrabitur*. Would he say, That *Domitius will be celebrated* or *made famous* BY *his Epistle*, which he has written upon this Occasion, and which, as being perhaps an ingenious one, will sufficiently recommend him? But then he should have written *suâ Epistolâ*, or OB OR PROPTER *suam Epistolam*, not IN *sua*. for IN *sua Epistola celebrari*, is, *to be celebrated* IN *his own Letter*: which one would think should be no great Recommendation of him; at least, not of his *Modesty*. Ovid indeed Fastor. vi, 55. has, *centum celebramur* IN *aris*. but that is SUPER *aras*, or PER *aras*, or *centum aris*: none of which senses will be proper here. *Celebrare* has very many significations in Antient Writers: but I cannot meet with one which will make tolerable Sense in this place; and should be obliged to anybody who would explain it, and confirm the *Latin* of it by a proper Instance or two: for I confess I do not understand it. In the mean time I will set down out of *Cicero* two passages which may partly show what a Latitude of signification this word is capable of, if that will be of any Service to our Author. *De provinc. Consular. c. 9.*

he is speaking of *Caesar* and his exploits in *Gaul*. *An ego possum huic esse inimicus, cujus litteris, fama, nunciis, CELEBRANTUR AURES* quotidie meae novis nominibus gentium, nationum, locorum? where *CELEBRANTUR aures meae* seems to signify, *my ears are FILLED*; the notion of *multitude* or *frequency* being included in the word *celebrantur*, equivalent to *frequentantur*. Again, *Orat. pro Muraena c. 41. Quanta autem perturbatio fortunae, atque sermonis, quòd quibus IN locis, paucis ante diebus, factum esse consulem Muraenam nuncii litteraeque CELEBRASSENT, — repente eò accedat ipse nuncius suae calamitatis!* Here *celebrasent* seems to signify *celebre reddidissent*: *messengers and letters had made it a well known thing, that Muraena was created Consul*. *Ovid* unites both these significations, *Fast. iii, 656.*

*Et celebrant largo seque DIEMQUE mero.*

Give me leave to add *Tibullus*, for the sake of correcting him, *Lib. i. El. viii, 49.*

*Huc ades, et GENIUM ludis Geniumque choreis*

*Concelebra, et multo tempora funde mero.*

So the passage is to be read, instead of the idle word, *et CENTUM ludis Geniumque choreis*. Tibullus is fond of this Repetition of the same word. So Lib. i, 4: 82.

*Deficiunt artes, deficiuntque doli.*

i, 5: 100.

*festas exstruet alte  
Cespitibus mensas, cespitibusque torum.*

ii, 6: 9.

*Castra peto: valeatque Venus, valeant-  
que puellae.*

and so elsewhere.

But to return to our Author. In the Two foregoing Remarks we have seen Instances of Brutus's Unskilfulness in the *Latin* Tongue, in omitting a word absolutely necessary to the Sense; as *largitionibus* for *honorum largitionibus*, and *petere* instead of *pontificatum* or *auguratum petere*. Now take one of Cicero's, still more remarkable, Epist. x. p. 66. *Est etiam in lege Julia, quae lex est de Sacerdotiis proxima, his verbis, QUI PETIT, CUJUSVE RATIO HABEBITUR. aperte indicat, posse rationem haberi, etiam non praesentis.* He says, that



these words, *Qui petit, cujusve ratio habebitur*, plainly show, that a Man may be considered as a Candidate, tho' he be NOT PRESENT. On the contrary, I maintain that these words are so far from showing it plainly, that they do not show it at all. For in which of the words *cujusve ratio habebitur*, single, or taken together, does the signification of a person's being *not present* lie? *Rationem habere alicujus*, when you are speaking of one who stands for any Post, is, to look upon a person as a candidate; which implies his being *qualified*. this is the whole meaning of the Expression. if you would say any thing further, concerning his being considered as qualified tho' he be NOT PRESENT, or ABSENT; it can be done no otherwise than by adding the word which shall signify such *absence*: *cujusve ABSENTIS ratio habebitur*. If this be not so, and if there be no difference between *cujusve ratio habebitur*, and *cujusve ABSENTIS ratio habebitur*, I would ask this Author, what is the reason why the Antients, whenever they would express what he here intended, do constantly add the word *absentis*? which shows, that the expression *cujusve ratio habebitur*, quite contrary to our Author's plain Proof of the

*absence*, rather supposes the person spoken of to be *present*; because otherwise the word *absentis* would have been added, as will be seen in the following Instances. Cicero Famil. vi, 6. Rationem haberi ABSENTIS non tam pugnavi ut liceret, quam ut, quum, ipso consule pugnante, populus jufferat, haberetur. Ad Attic. vii, 1. ne ratio ABSENTIS habeatur. Epist. iii<sup>d</sup> of the same Book: cur tantopere pugnatum est, ut de ejus ABSENTIS ratione habenda decem tribuni plebis ferrent? See likewise Ad Attic. vii, 6, 7. and viii, 3. and Philippic. ii, 10. in all which places you have the same Expression. Caesar Bell. Civ. i, 9. cujus ABSENTIS rationem haberi proximis comitiis populus jussisset. cap. 32. latum ab decem tribunis plebis — ut sui ratio ABSENTIS haberetur, ipso consule Pompeio. and so Lib. iii, 82. See Suetonius in Jul. c. 28. Epitome Livian. Lib. cvii. From these Instances (and many more might be brought) it is evident, that whenever mention is made of the Qualification of a person who is *absent*, to stand for public Offices, his *absence* must be exprest, *cujusve* ABSENTIS ratio habebitur: otherwise he will be supposed of course to be *present*; as in Livy xxv, 2.

Suetonius Jul. c. 18. *Val. Maximus* iv, i: 14. where he is speaking of *Cato Uticensis*: *Cypriacam pecuniam maxima cum diligentia et sanctitate IN URBEM devexerat. cujus ministerii gratia Senatus relationem interponi jubebat, ut Praetoriis comitiis extra ordinem ratio ejus haberetur.* Cato was then at Rome. had he been *absent*, the Form would have been, *ut ratio ejus ABSENTIS haberetur.* These things being so evident and so obvious, one might be inclined to think that this could not be the mistake of the Author himself, but that the omission of the word *absentis* is to be imputed to the Transcribers: especially as He himself a little lower seems to allude to, or quote, the very words of the foregoing Law: *Sed quamvis liceat ABSENTIS rationem haberi, tamen omnia sunt praesentibus facilia.* Besides, the word PETIT which our Author here uses to signify one who *sues upon the spot*, does not imply any such thing unless *absentis* be opposed in the other part of the Sentence: as in this passage of *Livy* viii, 22. *tribunatumque plebei proximis comitiis absens PETENTIBUS praefertur.* Where *petentibus* is, *to those who sued upon the spot*, those who stood Candidates in person: which it could



could not have signified, had not *absens* gone before it. whence *Cicero* Famil. xvi, 12. speaking of *Caesar*, says, with the same Opposition, and the addition of the word *praesens*: *neque se jam velle, ABSENTE se, rationem haberi sui: se PRAESENTEM trinis mundinis PETITURUM.* according to which, our Author might have written, *Qui PRAESENS petit, cujusve ABSENTIS ratio habebitur.* But then if by *qui petit* he means *one who DOES sue in person*, he had much better have omitted these two words, as making against, or, at least, not to his purpose, which was to speak of one *who DOES NOT sue in person*. He might have avoided these objections had he written thus: *Istud etiam in lege Julia, (quae est De Sacerdotiis proxima) his verbis, CUJUSVE ABSENTIS RATIO HABEBITUR, aperte indicat posse rationem haberi filii mei.* But, I believe, Learned Men may spare themselves any further trouble in searching after this *Lex Julia De Sacerdotiis*. The Composition discovers the Author of it, and shows that it is to be found no where but in these Epistles.

If our Author is so Unskilfull in matters that are common and obvious, we ought  
not

not to expect that he should be more knowing and accurate in those which require a more diligent observation. Accordingly Epist. ix. p. 58. he writes thus: *Hostes autem omnes judicati qui M. Antonii sectam secuti sunt. itaque id Senatus consultum*, etc. The Form of a *Senatus consultum* upon this occasion would not have been, *qui M. Antonii sectam secuti sunt*; but, *qui M. Antonium sectamque ejus secuti sunt*: which, whether it were more full and comprehensive than the other, or not, was however the Antient Form. *Livy*, from whom our *Cicero* seems to have transcribed it with his usual Negligence and Inaccuracy, has preserved it in several places. Lib. xlii, 31. *SENATUS CONSULTUM inde factum est, ut consules inter se provincias Italiam et Macedoniam compararent sortirenturve. cui Macedonia obvenisset, ut is regem PERSEA, QUIQUE EJUS SECTAM SECUTI ESSENT, bello persequeretur.* Lib. xxxvi, 1. *PATRES rogationem ad populum ferri jusserunt, Vellent juberentne cum ANTIOCHO rege, QUIQUE EJUS SECTAM SECUTI ESSENT, bellum iniri.* To the same Form he alludes Lib. viii, 19. *Ingredienti fines Senatus Fundanorum occurrit. negant se pro VITRUVIO,*

SECTAMQUE EJUS SECUTIS, *precatum venisse, sed pro populo Fundano.* and Lib. xxix, 27. where *Scipio* in his Prayer for the good Success of the Expedition against *Carthage*, instead of, *qui me, meamque sectam sequuntur*, modestly puts, *qui POPULI ROMANI, MEAMQUE SECTAM SEQUUNTUR.* *Tacitus* too seems to have had the same *Formula* in view *Annal.* vi, 22. *quippe SAPIENTISSIMOS veterum, QUIQUE SECTAM EORUM aemulantur, diversos reperies.* Our Author you see had some faint Notion of the Antient Form made use of upon this Occasion, and remembred that in his *reading* he had met with *something like it*: which was enough for him. Had he imitated *Cicero*, he would have written, *Hostes autem omnes judicati, QUI CUM M. ANTONIO FUERUNT.* which last in *Cicero's* time was the Form of a *Senatus consultum*, as you may see in *Philippic.* viii, at the end. So that our Author here has committed two Mistakes. the first of *Negligence*, in *imperfectly* transcribing from *Livy* the Form of a *Senatus consultum*: and the second of *Ignorance*, in not knowing that in *Cicero's* time that other Form was antiquated, and not in use. See another *Philipp.* V, 11. iis, *qui*  
in



*in exercitu Antonii sunt.* and a third Famil. xii, 10. *Lepidus hostis a Senatu judicatus est, ceterique qui una cum illo a rep. defecerunt.*

And this again is the case Epist. x. p. 64. *Equidem sic sentio: si manum habet, si castra, si ubi consistat uspiam Dolabella; ad fidem et ad dignitatem tuam pertinere, eum persequi.* From the Sentence immediately going before this it appears, that by a *Decree of the Senate* it was left to *Brutus's* discretion to act as he saw most conducive to the Service of the *Republic*: *nihil honorificentius potuit facere Senatus, quàm ut tuum esset judicium, quid maxime conducere rei-publicae tibi videretur.* Now the Form of a *Senatus consultum* to this purpose, was, That the Person mention'd in it, *Brutus* suppose, should act, *uti E REPUBLICA FIDEQUE SUA videretur.* in which there were two Parts, or Parties concern'd; first, the *Republic*, the *Advantage* of which was in the *first place* to be consulted: and, secondly, the *Person* to whom the Commission was given, who was hereby directed to act with that *Honour* or *Faith* and *Fidelity* which is due from a Citizen to his Country. But this Writer, even where he ought to urge his Argument from the *Words* of

of the *Decree of the Senate*, drops the chief thing, the *respublica*, or *public good*, and confines the Reason of his opinion or advice to the *Fides* and *Dignitas* of *Brutus*; as if the other part, the *Republic*, were not at all concerned in the Matter. A more skilfull and judicious imitator of Antiquity would have said, not, *ad FIDEM et ad DIGNITATEM tuam pertinere*; but, *ad REMPUBLICAM FIDEMQUE tuam pertinere*. for this, as I said before, was the Style of the *Senatus consulta* upon these Occasions. Cicero Philip. iii. at the end: *Senatui placere, Uti C. Pansa, A. Hirtius, consules designati — de his rebus ad hunc ordinem referant, ita uti E REPUBLICA FIDEQUE SUA censuerint*. To this Form he alludes Ad Attic. ix, ii. in the Epistle to *Caesar*: *sed, ut arbitror, AD TUAM FIDEM et AD REMPUBLICAM pertinet, me — conservari*. Livy xxv, 7. *Si M. Claudio proconsuli aliter videretur, faceret quod E REPUBLICA FIDEQUE SUA duceret*: which is part of a *Decree of the Senate*. xxix, 10. *ea consuli a Patribus facienda, ut E REPUBLICA FIDEQUE SUA duceret, permissa*. xxxiii, 31. *de his tribus urbibus legati, quod tempora reipublicae postulassent, id*

## 78 REMARKS on the LANGUAGE

E REPUBLICA FIDEQUE SUA *facere statuere jussi erant.* See Lib. viii, 4. xxvi, 31. Gellius xv, 11. *de ea re ita censuerunt, Uti M. Pomponius praetor animadverteret curaretque, uti ei E REPUBLICA FIDEQUE SUA videretur.* The other expression, *ad fidem et ad dignitatem tuam pertinere*, is good (see Livy xxxvi, 26.) in its proper Place. Our Author himself Epist. xvii. p. 118. does not omit the *Republic: cum ad REIPUBLICAE summam, tum ad gloriam et dignitatem tuam vehementer pertinet*, etc. and again Epist. xiv. *facis ex tua dignitate et E REPUBLICA.* so likewise a little lower in the same Epistle p. 90. *et id valde pertinuit, ut ego tum intelligebam, ad REMPUBLICAM; ut nunc judicio, ad dignitatem tuam.* where the last part of the Sentence *ut NUNC judico*, shows that Cicero had quite forgot that he had written the very same thing *formerly*, concerning the *dignitas* of Brutus, in the passage of the x<sup>th</sup> Epistle (as it is placed in this Edition) of which I have been just now speaking. Either therefore the xiv<sup>th</sup> Epistle is not placed where it ought to be; or, if it be, Cicero has forgot what he wrote in the x<sup>th</sup>.

In the same class may be ranked this,  
Epist.



Epist. V. p. 34. *Quod si tuis placuisset de his litteris referri, et nisi in tempus turbulentissimum, post discessum Pansæ consulis, incidissent; HONOS quoque justus et debitus Diis immortalibus DECRETUS esset.* I cannot find that the Antients ever express'd themselves in this manner, *honos Diis immortalibus DECRETUS esset*, but always, *honos Diis immortalibus HABITUS esset.* Livy, who is of excellent service in preserving the Purity of the Antient and Legitimate Forms of the *Latin* Tongue, never writes otherwise. Lib. xxxvii, 59. *merito ergo et Diis immortalibus quantus maximus poterat, HABITUS est HONOS, — et imperatori triumphus est DECRETUS.* Lib. xxxix, 4. *petiit a Patribus, ut aequum censerent, ob rempublicam bene ac feliciter gestam, et Diis immortalibus HONOREM HABERI jubere, et sibi triumphum DECERNERE.* Which passages are remarkably to my purpose. for if he could rightly have said, *Diis HONOREM et sibi triumphum DECERNERE*, the words *haberi* and *habitus est* would have been superfluous. but by applying *haberi* to *honorem*, and *decernere* to *triumphum*, he has shown us the *Propriety* of each of the Expressions. Lib. xxxviii, 44. *Post consul-*  
*lum*

*lum profectionem, Cn. Manlius proconsul Romam venit: cui, quum ab Ser. Sulpicio praetore Senatus ad aedem Bellonae datus esset, et ipse, commemoratis rebus ab se gestis, postulasset, ut ob eas Diis immortalibus HONOS HABERETUR, — contradixerunt pars major decem legatorum qui cum eo fuerant. Cap. 45. Tu vero recte, ut Diis immortalibus HONOS HABEATUR, postulas. Cap. 48. quod tantam nationem sine ulla militum jactura devicimus, postularem, ut Diis immortalibus HONOS HABERETUR, et ipse triumphans in Capitolium ascenderem. xxxix, 38. postularunt simul, ut pro rebus tam prospere gestis, Diis immortalibus HABERETUR HONOS. And so (to omit transcribing any more Instances out of *Livy*) Lib. xxvi, 21. xxviii, 9. xxxiii, 22. xxxv, 8. xl, 35. xli, 6. 17. xlii, 9. So likewise *Cicero Philipp. xiv, 8. ex litteris enim C. Pansae, A. Hirtii consulum, C. Caesaris propaetoris, de HONORE Diis immortalibus HABENDO sententias diximus.* which *De Nat. Deor. i, 2.* he calls ADHIBERE HONORES *Diis immortalibus.* And now observe the Negligence and Inconsiderateness of this Author. These words, HONOS quoque JUSTUS et DEBITUS*

DIIS

IMMORTALIBUS decretus *effet*, are taken almost *verbatim* from the third Oration *In Catilin.* cap. x. *nam multi saepe* HONORES DIIS IMMORTALIBUS JUSTI HABITI *sunt ac* DEBITI. where you see *Cicero* retains the true Latin Form, *honores HABITI sunt Diis immortalibus.* but our Author, either that he might conceal his obligation to that Passage of *Cicero*, or because he knew no better, and thought it was the same thing, instead of *habitus* puts *decretus*. He seems to have had but little notion of this matter, and acts as if he thought that to *write Latin* is nothing more than to *put together* Latin words. And indeed this is the very case with the generality of us Moderns in our Reading. if a piece bears the Title of an Antient Writer, and the Sense seems tolerable, and the Expression intelligible to us, we seldom concern ourselves any further, but give the Author an unlimited Credit in his Language and Composition. The truth is, we are unwilling to take the pains that is necessary to this lower part of *Criticism*, which requires a long and accurate observation, and without which, we in vain attempt to arrive at the Higher and more Noble part, a *True*



*Judgment* in the Works of the Antients. for, in order to this, an exact Knowledge of their *Language* is the Foundation which must necessarily, and in the first place, be laid: and *Cicero's* remark is certainly true in these Matters, *Orator. c. 43. omnium magnarum artium, sicut arborum, altitudo nos delectat: radices stirpesque non item: sed esse ILLA SINE HIS non potest.* It were an easy matter to give many Instances from among the Moderns, of men otherwise of great Learning and Abilities, who have made strange Mistakes in their explications of the Antients, from the want of this Inferior part, which bears the same Relation to the Higher ones as the *Letters* of the *Alphabet* do to *Reading*. Now as no man was ever able to *read* unless he had first learnt his *Letters*; so no man ever was, or ever will be able to understand and judge truly, and as ought to be done, of the Sense of the Antient Writers of *Greece* and *Rome* or any other Country, unless he hath previously taken pains to make himself master of the *Language* of those Writers. Whether the pains be now worth while or not in the *Latin* Tongue, (for in the *Hebrew* and *Greek* Languages I think it undeniably

niably is, were it only upon the account of the Writings of the *Old and New Testament*; the true Sense of which depends upon the different Significations and Constructions of Words and Expressions, more than perhaps any other Books in the world) every man must be left to determine for himself. But the Delicacy of the Antients on this head was greater than we generally imagine: and it was a much more frequent thing with them to make mistakes in *Sense* than in *Language*. *Joan. Fred. Gronovius* (who I believe knew at least as much of the nicety of the Latin Tongue as any one Man has done since That Language has ceas'd to be a *living* one) in his Notes upon *Marcus Seneca* Controvers. ii, 11. p. 412. has a very curious Remark to this purpose; where he observes that the Expressions *caput meum* (he might have added *vita mea*) *agitur*, *fortunae* or *facultates meae aguntur*, *fama mea agitur*; are very common, and signifie, *my Life, Fortune, or Reputation* are *at stake*, or *in danger*: and yet a Latin Writer could not be induc'd to say *anima mea agitur*, tho' it may seem to be the same in Sense, and is exactly the same in Form with *caput meum* (or *vita mea*) *agitur*; and

tho' he would make no scruple to say *ego animam ago*, in the same signification. Now turn the Tables, and observe the unaccountable nature of *Language*. *Ego animam ago*, *I am at the last gasp*, in the extremity of *Danger*, is a good Latin expression: *anima mea agitur*, is not. on the other hand, *fama mea agitur*, is right: *ego famam ago*, would be thought absurd. The case seems partly the same in the words *habere* and *decernere*, of which we have been speaking. *HABITAE sunt SUPPLICATIONES Diis immortalibus*, and *DECRETAE sunt SUPPLICATIONES Diis immortalibus*, are frequently to be met with. *HABITI sunt HONORES Caesari*, and *DECRETI sunt HONORES Caesari*, are usual. *HABITI sunt HONORES Diis immortalibus* is right, as we have seen; and therefore, you may say, why not *DECRETI sunt HONORES Diis immortalibus*? I answer, because it does not appear from any Instance, that the *Romans* made use of that Expression upon this Occasion: and on the other hand, it looks as if there was some reason why they could not, or would not, because we see that *Livy*, in whose way this expression so often came, not only never uses it,



it, but studiously avoids it, and goes out of the way in order to shun it. A Latin Writer would say, *in eo proelio multum sanguinis factum est, in that Battle a great deal of Blood was spilt.* but if from thence any one should now infer that he might write, *in eo convivio multum vini factum est, in that Entertainment a great deal of Wine was spilt;* he would proceed upon a very wrong supposition: unless he could give an Instance of the Expression. Take another example, for the sake of explaining a seemingly difficult passage in Ovid Heroid. xxi, 57. where Cydippe says to Acontius,

*Si laedis quod amas, hostem sapienter amabis.*

*Me, precor, ut serves, perdere  
VELLE VELIS.*

This is the Reading of all the MSS, without any Variation. The Construction of the last Verse is, *ut serves me, precor ut VELIS VELLE perdere me.* the Sense: *If it be your way to hurt what you love, you would do well to love your Enemies. in order therefore to preserve me, I beg of you that you would* BE WILLING TO BE WILLING

## 86 REMARKS on the LANGUAGE

(ut *velis velle*) to destroy me. The word *velle* seems to be quite superfluous. *Christian Daumius* takes *velis velle* to be a popular or vulgar manner of speaking, as *negat negare* in *Catullus* carm. 4. It may be so; but the Instance is not parallel; and you cannot omit *negare* there as you may *velle* here. for the Construction is, *negat se negare*; and *negat* in that place is to be resolv'd into, and is the same with, *dicit non*; which is very usual in the Verb *nego*: and then *dicit se non negare*, or even *negat se negare*, has nothing remarkable in it, (no more than *quia TE scire scit*, in *Plautus* Mostell. V, 2. or *cum hoc sciret L. Domitius ME scire*, in *Cicero* Verr. i, 53.) nor will *velis velle* admit of the same procedure. Mr. *Burman* thinks it may be defended by another passage, *Amor.* iii, 1150.

*Quicquid eris, mea semper eris. tu selige tantum,*

*Me quoque VELLE VELIS, anne coactus amem.*

Neither is this apposite. for the Construction is very different: *tu tantum selige* (i. e. *elige*) an *velis ME quoque VELLE amare* (i. e. *ultro et sponte mea et voluntarium amare*)

amare) *an coactus amem.* only do you choose, whether you would have me love you by choice, or by constraint. it is not *an tu velis velle*, as in the former passage; but *an tu velis ME velle*: in which there is nothing extraordinary, or like the Construction of the former passage: nor can *velle* be left out here. *N. Heinsius* says the place is manifestly faulty: that *velle* is a blunder of the Transcriber, partly owing to the following *velis*, and partly to the omission of the word *dure*, which was sunk and lost in the two last Syllables of *perdere* which goes before: *Me, precor, ut serves, perdere, dure, velis.* This is ingenious, and like *Heinsius*. but there is no need of it, for *velis velle*, tho' it may seem to us a strange manner of speaking, is right; as appears from the following instances of *nolite velle*, that is, *ne velit velle*. *Cicero Philipp. vii, 9. NOLITE igitur id VELLE quod fieri non potest.* *Orat. pro Balbo c. 28. NOLITE, per Deos immortales, judices, hunc illi nuntium acerbum VELLE perferri, ut suum praefectum fabrum — vestris oppressum sententiis audiat.* *Pro M. Coelio c. 32. NOLITE, judices, aut hunc, jam naturā ipsā occidentem, VELLE maturius extinguī vulnere vestro*



*quàm fato suo.* Pro L. Muraena c. 25. NOLITE *a me commoneri* VELLE. In like manner writes the Author of the Oration *pro Domo sua* c. 57. which place I shall have occasion to quote elsewhere. Livy vii, 41. *cujus auspicia pro vobis experti,* NOLITE *adversus vos* VELLE *experiri.* Of the same kind are these passages of Plautus, Captiv. Act. i, Sc. i. at the end of the Scene: *te oro*——MEMINISSE *ut memineras,* I beseech you to remember TO REMEMBER, or, not to forget to remember. Bacchid. V, 2. 34. *Facito* UT FACIAS, Pseudol. V, 1. 4. *pergitin'* PERGERE? and so again in Poenulo i, 3. 24. Rudent, iii, 6. 8.

*Etiamne in ara tunc sedebant mulieres*  
Cum ad me profectu's IRE?

So I think it should be written instead of *profectus ire*: as *Ÿ* 33. *nactu's* for *nactus* es, and often in like manner in Plautus and others. I have mark'd in Capitals the words that seem superfluous, which are undeniable instances of the same kind with *velis* VELLE. Now to apply this to my purpose. If because the Antients say, *precor te ut* VELIS VELLE (or, *ut* NOLIS VELLE)

VELLE) *facere hoc*, a Modern should write, *precor te ut NOLIS NOLLE facere hoc*; we indeed at this distance cannot see any reason why this last should not be as good and allowable as the other: and yet, if we propose to write in the Style of the Antients, and to make that our Model, we may not use it now without an Instance; which perhaps is not to be found. Now if we could ask *Livy* why the abovementioned *decernere honores Diis immortalibus*, or *Gronovius*, why *anima mea agitur*, might not be used as well as *habere honores*, or *vita mea agitur*; perhaps they could give no other reason than that which *Cicero* gives *Philipp. iii, 9.* upon a like occasion, *quis sic loquitur?* The Antients themselves could frequently go no further than either the *Authority* of those who were *more antient* than they, or present *Use*, *Quem penes arbitrium est, et jus, et norma loquendi*. They often ventured indeed upon *new Words* and *Expressions*, which sometimes succeeded, and sometimes were laugh'd at and rejected. but *Authority*, which generally speaking is *unaccountable*, was a safe Rule to go by, tho' often they could not tell upon what Reason that *Authority* was originally founded

founded<sup>a</sup>. Thus *Gellius* Noct. Attic. xi, 6. observes, That the *Roman Women* never swear by *Hercules*, nor the *Men* by *Castor*: but that both *Women* and *Men* swear indifferently by *Pollux*; that is, in their Oaths made use of the word *Aedepol* or *Edepol*. For the first of these, viz. why *Women* did not swear by *Hercules*, he thinks he can easily account: for the second he cannot. but tho' he cannot give the Reason, he is satisfied in the truth of the Thing, because he could not find that any *Antient* and approved *Latin* Writer ever confounded this use of the two words. If *Gellius*, himself one of the *Antients* with respect to us, thought this a sufficient reason in the Use or Disuse of Words and Expressions; much more may we, who know nothing of these matters but what we learn from *Gellius* and his Brethren, the *Antients*. When therefore an Author, otherwise sus-

<sup>a</sup> *Diomedes* Lib. ii. p. 434. ed. Putsch. AUCTORITAS, in regula loquendi, novissima est. namque ubi omnia descenderint, sic ad illam, quemadmodum ad sacram ancoram, decurritur. non enim quidquam aut rationis, aut naturae, aut consuetudinis habet, cum tantum opinione secundum Veterum lectionem recepta sit, nec ipsorum tamen si interrogentur, cur id secuti sint, scientium.



pected, makes use of an Expression (as DECRETUS *bonos Diis immortalibus*, instead of HABITUS *bonos*) contrary to the manner of all Antiquity; he thereby adds great weight to the suspicion of his being a Counterfeit Antient.

I am the longer upon this Article, because I would have it carefully observed, how uncertain a thing the *Writing of true Latin* is to us *Moderns*: under which Term may be comprehended all who have written since the Latin Tongue has ceas'd to be *spoken*; and I have not the least doubt of this Author's being in that Number. We cannot now stir a step, nor join scarce *Two Words* together so as to be secure from error, unless we have a precedent from the Writings of the Antients; and I make no question but that if *Cicero* were to read any of our most spruce *Latin* Compositions upon which we value ourselves most, he would frequently be forc'd to *guess* at what we mean, and would find innumerable mistakes and faults which a *Roman* would not, and indeed could not, have made. Nor is this peculiar to the *Latin Tongue* only: the case is the same in all Languages which are learnt, as we learn Latin, by *Books* only.

I have

I have seen *English* Letters written by a Foreign Gentleman who had taken great pains by *reading* to make himself Master of our Language. The performance was as good as could be expected from one who had nothing but *Books* to direct him: but an illiterate *Englishman*, if he could but read, would have discovered mistakes of one kind or other in every Line. What *English* was to this Gentleman, *Latin* is to Us. Now tho' the Ordinary *Latin* that we write, serves us to all intents and purposes as well, or perhaps better, than if we were to write in the exquisite Style of *Plautus* or *Varro*, in which we often should not be understood; and tho' a man of Candor would be very sparing and cautious in his Censures of a Modern who should write *Bad Latin*, when we all do the same, and perhaps cannot possibly do otherwise; yet if a Modern (suppose *Petrarch*, or *Sigonius*, or any other) should take upon him to write and publish Pieces with the intent that they should pass for the Writings of *Cicero*, the case would be quite different. for then what was very pardonable in *Petrarch* or *Sigonius*, would become insufferable in *Cicero*. then all Lovers of Antiquity, who thought it worth  
their

their while, and to whom it was not an Indifferent thing whether they were *impos'd upon* or not, would be equally concern'd to detect the Imposture, and to expose the *Vanity* of the man, who thro' Self-conceit, and a false Opinion either of his own Skill, or of the Ignorance of the rest of Mankind, had undertaken a thing much superior to his Ability or his Judgment; however Learned in other respects he might be. We should then have a right to examine every Word, and to call him to an account for every Expression concerning which we had any reason to doubt. Thus Epist. xxii. p. 168. *Scilicet, ut, illo prohibito, rogaremus alterum, qui se in ejus locum REPONI pateretur*: we might desire him to show us, from *Cicero* or some other good Writer, where he finds that a *Person*, who *succeeds* another in any Post, is said *REPONI in ejus locum*. for this word is not apply'd to *Persons* in this sense, but to *Things* (a Distinction necessary to be observed in the *Latin* Tongue, and in other Languages; since what is rightly said of the One, is often very improper if you transfer it to the Other) which are *put in the room of* others *taken away*. Thus *Livy* lib. xxxiii, 5. speaking



speaking of the *valli* or *stakes* which the Romans made use of in their Entrenchments, says, that if one of them happen to be pull'd out, *nee loci multum aperit, et alium REPONERE perfacile est*; it makes no great gap, and it is a very easy matter to put another in its place. see too xxix, 19. and xxxix, 7. Plautus uses the word speaking of Money borrowed and repay'd; *Perfa*, I, 1. *Javental* iii, 220. *meliora et plura RE-PONIT Persicus, orborum lautissimus*. Suetonius Jul. c. 75. *sed et statuas L. Sullae atque Pompeii, a plebe disjectas, REPOSUIT*: in which last manner it is likewise used of Persons, in the sense of restoring or replacing them in the station they formerly were; as in Florus i, 1. *patrum Amuliant ab arce deturbat, avum REPONIT*: he RESTORES or REPLACES his grandfather in the Throne: and so in the Orat. *Post Redit. ad Quirit.* c. 7. But when a Person is spoken of as succeeding another in his place, he is never said *REPO*NI *in ejus locum*, but *SUBSTITUI*, *SUFFICI*, *SUBROGARI*, etc. Cicero in Verr. iv. 41. *Itaque nunc Sicularum Marcelli non sunt patroni: Verres in eorum locum SUBSTITUTUS est*. Livy xxiii, 3. *ut ipsius poenitere homines appareret, quem au-*  
tem

tem in ejus SUBSTITUERENT locum, de-  
esse. see xl, 11. 56. *M. Seneca* Controv.  
iii, 22. *voluisse occidi filium, ut in ejus lo-*  
*cum SUBSTITUERETUR ipse.* see *L. Se-*  
*neca* Epist. ix. *Justin* xi, 2. *dux in locum*  
*ejus SUBSTITUITUR.* and so xlii, 2. *Sue-*  
*tonius* Tiber. c. iv. *pontifex in locum P. Sci-*  
*pionis SUBSTITUTUS.* In like manner  
SUCCEDERE in ejus locum, *Livy* xl, 11.  
*in eorum locum SUBDITOS,* *Cicero* in Verr.  
i, 5. COOPTARE in patris *sui* locum, *Sue-*  
*ton.* in Ner. c. 2. SUFFECTIS in loca eo-  
rum *novis regibus,* *Justin* xi, 10. xxxix, 4.  
*rege in locum fratris CONSTITUTO.* *Florus*  
iii, 16. SUBROGARE *conatus est in ejus lo-*  
*cum C. Gracchum.* *Cicero* in Verr. V, 28.  
*iste homo nefarius in eorum locum, quos do-*  
*num suam de piratis abduxerat, SUBSTITU-*  
*ERE et SUPPONERE coepit cives Romanos.*  
Perhaps our Author here mistook one word  
for another (which is no new thing with  
him) and put *reponi* instead of *supponi*:  
which in some respects would be as if we  
should say in *English*, to PROCEED another  
in his post, instead of, to SUCCEED him:  
tho' I know that the word *supponere* in the  
last quoted passage of *Cicero*, is there used  
in a sense which would not be proper here.

But

But why could not this Author write as others do, *qui se in ejus locum* SUBSTITUI *pateretur*? for surely, if he knew any thing of *Latin*, he could not be ignorant of this expression.

We might likewise beg of him to give an instance of any other Author who writes as He does Epist. V. p. 36. *Labeo vero noster nec signum tuum in epistola, nec diem appositum, nec te scripsisse ad tuos, ut SOLE-RES*: instead of, *ut SOLEBAS*. for supposing that the *Latinity* of it can be defended; yet in this, and many other expressions, there is a settled way of writing, from which no body but this Author, as far as I can find, ever deviates. *Cicero* De Fin. iii, 2. *veni in ejus villam, ut eos (libros) ipse, ut SOLEBAM, promerem*. De Oratore i, 9. *Tum Scaevola comiter, ut SOLEBAT, caetera, inquit, assentior Crasso*. In Catilin. ii, 13. *qui jam non procul, ut quondam SOLEBANT, ab extero hoste, etc.* See *pro Cluent.* c. 59. *Philippic.* ii, 13. *Ovid* Met. ii, 448. *Pliny* Epist. i, 3. *Florus* iii, 3. *Capitolinus* in *Macrin.* c. 3. *sciscitante proconsole de statu, ut SOLEBAT, publico*. Now let him shew me one Author, besides Himself, who writes *ut SOLERES*, when the expression



Expression is *Absolute*, as it is here, and in all the Instances just now quoted and refer'd to. which Exception I mention lest any body should be deceived by a Passage in *De Oratore* i, 24. *quod neque ita amplecteretur artem, ut ii SOLERENT qui omnem vim dicendi in arte ponerent; neque rursum* etc. and another in *De Offic.* iii, 22. *cum illis sic agere ut cum colonis nostris SOLEREMUS.* For the reason is very different, as may easily be seen hence, That this place of the Epistle I am now speaking of, and all the Examples I produc'd, are independent, and may be placed in a Parenthesis; or omitted if you please, without any detriment to the Sense. but the same cannot be done in these two last Instances, because they are connected with, and depend upon other parts of the Sentence: consequently, they have a different Construction and Relation: and I presume that *ut solebant* and *ut solebamus* would have been as improper *Latin* in those two places, as *ut soleres* is in this.

Epistle xi<sup>th</sup> p. 72.- Brutus is speaking of *C. Antonius*, concerning whom he says, *habuique in mea POTESTATE quoad bellum fuit: and I had him in my POWER as long*

as the war continued. From which words Two things are to be collected: First, That at the writing of this Letter, May 15<sup>th</sup>, *C. Antonius* was NOT in the power of *Brutus*: and Secondly, That the war was now at an end. These are both False. but the last perhaps is excusable in *Brutus*, because, as Dr *Middleton* hath observed, he might conclude from *M. Antony's* defeat at *Modena*, and Flight out of *Italy*, that it was so; tho' it prov'd afterwards that he was mistaken. But how shall we excuse the First, That *C. Antonius* was not in the power of *Brutus*, May 15<sup>th</sup>. A.U.C. 710? for it is universally agreed upon by the Historians, that he was in the power of *Brutus* not only at That time, but all his life afterwards, and was at last put to death by him, several Months after the 15<sup>th</sup> of May, seeing *Plutarch* (in *Brut.* p. 996.) relates, that *Brutus* put him to death as a Sacrifice or Expiation to the *Manes* of his Kinsman *D. Brutus* and his Friend *Cicero*; which last was not killed till the December of That Year. From a nearer view how the Case stood between *Brutus* and *C. Antonius* we may come at some Light in this matter. It was thus: After *Brutus* had  
made

made him prisoner of War, he had him in his *own Custody*, and treated him with great Civility and Respect, till *Antony* began to play tricks with *Brutus's* Soldiers, and to excite them to Sedition and a Revolt. then *Brutus* found it necessary to abate some degrees of his Indulgence towards him: but still he used him better than he deserved, and kept him with him, tho' like a Prisoner at large. Hitherto *Brutus* had him in his *own custody*. But afterwards having occasion to go into the Upper *Macedonia*, he did not think it proper to take *Antony* with him, but left him at *Apollonia*, committing him to the Care of *C. Clodius*. Henceforward he was out of the *Custody* of *Brutus*; but still in his *Power* as much as he was the day that *Brutus* took him Prisoner. We need not go any further in the account of this matter from History; for the Distinction I just now mentioned will show what our Author meant, and his Ignorance in *Latin*, or his Inaccuracy, or Oversight. He meant, *habuique in mea CUSTODIA quoad bellum fuit: and I had him in my own CUSTODY (or keeping) while the War continued*. The difference between *in sua custodia* and *in sua potestate*,



which our Author has here confounded, is so obvious, that it is unnecessary to prove it by instances from Antient Writers. He who keeps any thing *at his own house*, has it both *in sua custodia* and *in sua potestate*. he who has it in *other hands* so as that he can call it in whenever he pleases, has it *in sua potestate*, but not *in sua custodia*. in either case, he is equally Master of it. and so was Brutus of C. Antonius : as is plain from the Event.

Epist. xxii. p. 174. — *iis, qui malum illud exciderint, cujus istae reliquiae sunt, nihil, quo EXPLERI possit eorum meritum, tributurum unquam populum Romanum, si omnia simul congegserint.* There can be no doubt of what the Author intended by EXPLERI *possit eorum meritum* : namely, *their merit or good service can be REWARDED OR REQUESTED.* But the Meaning looks one way and the words another. for *explere meritum*, or (which is the same thing) *beneficium*, is not *to requite merit or good service*, but *to fill it up*, or *compleat* that which before was *deficient*, and *wanted* something to be *added* to it, in order to make it *perfect*. for this is the signification of *explere* ; viz. *to fulfill, fill up, or compleat*

pleat any thing that was imperfect : as in Seneca Herc. Fur. v. 500.

DEEST una numero Danaïs : EXPLEBO nefas.

So *cupiditates explere*, Cicero De Fin. i, 16. to fulfill one's desires, or to gratify one's appetites ; viz. by adding or giving them something which they had not, and which they wanted. *spem explere*, Livy xxxv, 44. *voluptatem explere*, Terence Hecyr. i, 1. *jusjurandum explere*, to fulfill an Oath, M. Seneca Controv. i, 6. by accomplishing and perfecting what was wanting to be performed. Justin has a seemingly unusual signification of this word (as of several others) where he is speaking of the Athenians recalling and conferring honours upon Alcibiades after his Banishment and Disgrace, Lib. V, c. 4. EXPLENT contumelias honoribus, detrimenta muneribus, execrationes precibus : that is, *pensant*, they recompense or make amends for, as appears from the Sense ; for it is somewhat difficult to account for the reason of it from the Word. he calls it *corrigere* lib. xxxv. 2. <sup>a</sup>

<sup>a</sup> Cicero Philipp. ix, 4. *sarcire* : nulla dubitatio relinquetur, quin honore mortui, quam vivo injuriam fecimus, sarciamus. whence perhaps the passage of Justin may be explained.

It is more intelligible Lib. ix, 2. where *Atneas* King of *Scythia* answers to the Ambassadors of *Philip* of *Macedonia*: *nullas sibi opes esse quibus tantum regem EXPLEAT: wherewith to SATISFIE so great a King.* *Trebell. Pollio* in *Gallien. c. 1. qui privatis posset fortunis publica EXPLERE dispendia.* *Incerti Panegy. Constantin. c. 32. missum ejusdem tyranni (Maxentii) ad permulcendam Africam caput; ut quam maxime vivus affligerat, laceratus EXPLERET.* where *expleret* is opposed to *affligerat*. This last instance is odd enough; which is not to be wondred at in a Writer of that low Age<sup>a</sup>. All these Instances seem to agree in the notion of *filling up* by the *addition* of something that was *wanting* to *compleat* or *satisfie* the thing spoken of. now this will ill suit with the intention of our Author, who cannot here mean, that the *merit* of *Brutus* and his Companions in killing *Caesar* was deficient, and wanted something to make it *compleat*: for on the

<sup>a</sup> It is to be understood as if it had been written *laceratione* or *morte expleret*: and the reason is the same with that of *Cicero* pro *P. Sulla* c. 32. *Te ipsum jam, Torquate, expletum esse hujus miseriis parerat. to be satisfied or contented.*

contrary,



contrary, he would say, that it was so perfect and full, that, if the Roman people were to heap upon them all they could bestow, they could never sufficiently REWARD THIS piece of SERVICE to the State. This strange use of the word *expleri* may be accounted for thus: He might remember that *explere libidinem, iram, cupiditatem, desiderium, animum, odium*, etc. are frequently to be met with in the sense of *satiare* or *satisfacere*, to satisfy one's lust, desire, anger, longing, etc. in which expressions the Passions and Appetites or Desires are considered as Animals that are hungry and crave, and want to be filled; and when they are filled, are then satisfied. Hence he seems to have concluded, that as *explere iram* or *desiderium*, signify *satiare*, to satisfy one's anger or longing; so *explere meritum eorum* may signify to satisfy their merit: not considering that the Things, and the Reasons of them, are of a quite different Nature; and that the Merit of Brutus and his Friends cannot by any Metaphor, consistently with the Sense of the place and the Author's meaning and intention, be said to *crave* (as the Passions and Appetites may) and want to be filled or

*satisfied.* There is the same sentiment in a passage parallel to this in another Epistle of *Brutus*, Ep. xviii. p. 122. *nihil ego possum in sororis meae liberis facere, quo possit EXPLERI voluntas mea aut officium.*

Here *expleri*, *to be satisfied*, happens to be right, because the nature of the words *voluntas* and *officium*, and the sense of the place, will admit of that signification. but the former passage I am persuaded is not *Latin* in the sense which *Brutus* design'd to express. Instead of *expleri* he might have written *exsolvi*, out of *Livy* ii, 29. or *remunerari* c. 12. of the same Book. *Cicero* expresses it by *meritam gratiam persolvere*, Orat. pro Cn. Plancio c. 33. and *meritam gratiam referre*, De Orat. iii, 4. *Caesar* Bell. Gall. v, 27. *Caesari pro ejus meritis gratiam referre.* *Plautus* Amphitr. merito referre gratias: and Captiv. V, 1; 15. *beneficium merito munerare*: and *Y* 20. *benefactis pretium reddere.* *Livy* xxxix, 13. *referre meriti gratiam.* *Seneca* Epist. cviii. *pro factis reddere op'rae pretium*, out of *Ennius*. *Tacitus* Hist. iv, 3. *beneficio vicem exsolvere.* *Trebellius Pollio* in Claud. c. 7. *vicem reddere meritis.* Any of these might have satisfied our Author,

had he been contented to follow the Antients, and not to affect Singularity and Quaintness; in which he always succeeds as he deserves, and the event proves suitable to the attempt. If it be said that *meritum* may here signify *merces*, (see *Pri-caeus* upon *Apuleius* Met. viii. p. 468.) it must be prov'd by Instances that it was so used in the time of *Brutus*.

In the foregoing Remark we have seen that our Author, by mistaking the signification of a word, leads us into a bad and false Sense: in the following one we shall see that by a mistake of the same kind he has thought fit to lead us into no Sense at all. The passage is in the same Epistle, p. 166. *Vindici quidem alienae dominationis, NON vicario, ecquis supplicat, ut optime meritis de republica liceat esse salvus?* It is impossible to give a Version of the Context as it now stands, so as to make any sense of it. but it is no difficult matter to perceive where the mistake of the Writer lies; namely, in the word *NON*, which he unskillfully puts instead of *non modò*, or *nedum*, much less. To give him his due, the Sentiment, had he been enough Master of the *Latin* Tongue to have express  
it



it as he ought and intended, would have been a good one. The understanding it depends upon a passage at the top of the same page, where *Brutus* objects to *Cicero* very warmly, (and, by the by, in the Language of an Accuser to a Criminal, and as *Cicero* treats *Verres*, *M. Antony*, and *Catiline*, rather than in That of an Inferior to his Superior ; *aude negare, deny it, if you dare*) that he had written to *Octavius* in a mean and suppliant manner, *That he would allow those Citizens to live in Safety, of whom honest Men, and the people of Rome, had a good opinion* : meaning *Brutus* and his Accomplices. then, after some reflections upon this part of *Cicero's* Letter to *Octavius*, he adds, alluding to *Cicero's* own words, *Vindici quidem alienae dominationis, NON MODO (or nedum) vicario, equis supplicat, etc.* that is, “ If *Octavius* “ had even kill'd *Caesar*, as we did, and “ been the avenger of Tyranny and Usur- “ pation, and a Patron of Liberty ; would “ any man in his Senses have written to “ him in a *suppliant* manner, to beg that “ he would of his great goodness be plea- “ sed to *save worthy* and deserving *Citi- “ zens* ? could any thing have been more

“ absurd, or more abject, than to have  
 “ written in such a manner in such a  
 “ cause? MUCH LESS ought you to have  
 “ written so to That *Octavius* who in rea-  
 “ lity is the *Successor* and *Substitute*, not  
 “ the *Avenger*, of *Caesar's* Usurpation.”

This is the Sense of the passage; which may be translated thus: *Does any man humbly beseech even the Avenger, MUCH LESS the Substitute, of another's unjust usurpation, that those men who have deserved well of the Republic may be permitted to be in safety?* Thus far I think we may be certain of the meaning of the passage, and of the Authors intent to write *non modo*, or *nedum*: the latter of which is used partly in the same manner by *Livy* xxxviii, 50. *QUID autem tutò cuiquam, NEDUM summam rempublicam, permitti, si ratio non sit reddenda?* and by *Tacitus* Annal. iv, 11. *QUIS enim mediocri prudentia, NEDUM Tiberius tantis rebus exercitus, inaudito filio exitium offerret*, etc. the former by *Pliny* Nat. Hist. xv, 9. *vix specie figurâve, NON MODO (i. e. nedum) saporibus—enumerari queunt.* and xvii, 20. *terramque defixa vix tolerant, NON MODO humorem.* But still there remains another

another mistake in the Language of this passage. for the *Latins* never use *quidem*, in the manner here done, without *ne* before it: and this will exclude *ecquis*, and will oblige us to change the *Interrogative* into an *Affirmative*, thus: NE *vindici* QUIDEM *alienae dominationis*, NEDUM (or *non modò*) *vicario*, NEMO *supplicat*, *ut* etc. Examples are everywhere to be met with, and therefore I will set down only one of each kind. Cicero De Divinat. ii, 55. *numquam* NE *mediocri* QUIDEM *cuiquam*, NON MODO *prudenti*, *probata sunt*. Lactantius Instit. i, 6. *M. Varro*, quo nemo unquam doctior, NE *apud Graecos* QUIDEM, NEDUM *apud Latinos*, *vixit*. There are several ways of expressing this Sentence. it may not perhaps be unacceptable to those who are curious in these matters, if I set down two or three of them. Instead of *quidem* he might have put *etiam*, in this manner: ETIAM *vindici alienae dominationis*, NEDUM *vicario*, NEMO *supplicat*, etc. as in Suetonius, Claud. c. 40. *multaque talia* ETIAM *privatis deformia*, NEDUM *principi*. and in this Form he might have retain'd *ecquis* the *Interrogative* (instead of *nemo*) which frequently has the power of a *Negative*.

Caesar



*Caesar* would have written thus : NON MODO *vicario*, SED NE *vindici* QUIDEM *alienae dominationis*, NEMO *supplicat*, etc. as *Bell. Gall.* v, 43. NON MODO [*demigrandi caussa*] *de vallo decederet* NEMO, SED *pene* NE *respiceret* QUIDEM *quisquam*. See lib. II, 17. III, 4. VIII, 33. and the Notes there. I have separated the words *demigrandi caussa* from the rest, because I think there is great reason to suspect that they are not *Caesar's*. *Cicero* in this manner : NEDUM *vicario*, SED ETIAM *vindici alienae dominationis*, NEMO *supplicat*, etc. as *Ad Attic.* x, 16. *Tu, quoniam quartanâ cares, et* NEDUM *morbum removisti, SED ETIAM gravedinem, te vegetum nobis in Graecia siste.* where *nedum* is *non solum*, *non modo*<sup>a</sup>. *Tacitus* thus : NE *vindici* QUIDEM *alienae dominationis*, ADEO *vicario*, NEMO *supplicat* etc. So *Annal.* vi,

<sup>a</sup> Or thus : NE *vindici* QUIDEM *alienae dominationis*, NE *vicario*, nemo *supplicat* &c. as *Famil.* ix. 26. *Me vero nihil istorum* NE *juvenem* QUIDEM *movit unquam, NE nunc senem.* In another place, *Paradox* v. he uses *non* instead of *ne quidem* : NON MODO *imperator, sed liber habendus omnino* NON *erit* : that is, NE *liber* QUIDEM, as he expresses it at the end of the *Paradox*.

15. NE *tecta* QUIDEM *urbis*, ADEO *consilium publicum*, NUMQUAM *adiit*. where *numquam adiit* is to be resolv'd into NON *umquam adiit*: for it is *adeo non* that signifies *nedum*. See Annal. iii, 34: and *Vell. Paterculus* ii, 67. But it is time to return to our Author; who, as we see, while he is expressing noble Sentiments, and such as are not unworthy of the True *Brutus*, forgets the Language of *Brutus*. as he does That of *Cicero* in the following Passage:

Epist. xxi. p. 146. *ita gravi judicio multaque arte se exercuit in VERISSIMO genere dicendi*. The Adjective *verum* is often put for *aequum*, or *justum*, as every body knows. But who besides this Author ever said VERISSIMUM *genus dicendi*? What Spirit of Affectation could make him write in this manner, when OPTIMUM *genus dicendi* was become the settled Form upon this occasion? *Cicero* Fam. xii, 17. *sed proxime scripsi de OPTIMO genere dicendi*. De Clar. Orator. c. 54. *quod dicendi genus OPTIMUM sit*. Oratore, c. 1. *Quid est enim majus, quam, cum tanta sit inter oratores bonos dissimilitudo, judicare, quae sit OPTIMA species, et quasi figura, dicendi?* which a little lower he calls *sumum et perfectissimum*.

*tissimum genus eloquentiae.* Ad Attic. xiv, 20. *Cum ipsius precibus penè adductus scripsissem ad eum de OPTIMO genere dicendi* etc. and xv, 1. *quod judicium habet de OPTIMO genere dicendi, id ita consecutus est ea oratione, ut elegantius esse nihil possit.* See likewise Cicero's Preface to his Translation of the Orations of *Aeschines* and *Demosthenes*, which Piece has the Title, *De OPTIMO genere oratorum*, cap. 1, 2. *Auëtor de Causs. corrupt. Eloq. c. 22. postquam magis profecerat, usuque et experientis didicerat, quod OPTIMUM dicendi genus esset.* This is a Peculiarity of our Author of the same kind with *ut soles*, which I took notice of above; and he sometimes seems to leave the common and approved way of writing out of Wantonness and by Choice; tho' more frequently, I believe, out of Ignorance. I cannot well tell to whether of these two causes is to be assign'd this which follows:

Epist. xxiii. p. 182. *At illa retulit, quæsitque, quidnam mihi videretur; arcesseremusne te, atque id tibi conducere putaremus; an TARDARE et commorari te melius esset.* The Sentence is formed from the xi<sup>th</sup> Epist. of the xv<sup>th</sup> Book to *Atticus*.

But



But the word *tardare* is here used as a Verb *Neuter*, to wait, to tarry, to delay, contrary to the constant Practice of *Cicero* himself, (who once indeed uses *retardando*, the Gerund of the compound Verb, in a *Neutral* manner, *De Nat. Deor.* ii, 20.) or of any good Writer before him, as far as I can find, who always make it a *Transitive*, and join to it an Accusative Case. *Lib. iii. in Verr. c. 57. cum ejus animum ad persequendum non negligentia TARDARET.* *Pro P. Sextio c. 61. cum frequens senatus nonnullorum scelus audaciamque TARDASSET.* *Ad Attic. vii, 12. nec eum rerum prolatio, nec senatus magistratuumque discessus, nec aerarium clausum TARDABIT.* See in *Verr. ii, 69. pro Caecin. c. 27.* and in many other places. So likewise *Caesar, Livy, Horace, Tibullus, Propertius, Ovid*, constantly. whence *Virgil Aen. xi, 550.* would not say, *infantis amore TARDAT*, but *TARDATUR.* *Caesar Bell. Civ. ii, 43. reliqui hoc timore propius adire TARDARENTUR.* where one ancient MS has *tardarent*: which is probably owing to the manner of writing Latin in the Age in which that MS was copied. When this use of the Word was first introduced

roduced into the Latin Tongue, I cannot tell. The first clear example that I have observed of it is in the *Hist. Aug. Scriptores*, in *Vulcatius Gallicanus's* Life of *Avi-dius Cassius* cap. x. where *Faustina* in a Letter to the Emperor *M. Antoninus*, says, *Signatas mihi litteras Calpurnius dedit; ad quas rescribam, si TARD AVERO, per Caecilium senem spadonem, hominem, ut scis, fidelem. Si tardavero*, is, *if I tarry longer than I intend*, (see the foregoing part of the Letter) and answers to St. Paul's ἐὰν βραδύω, 1 Tim. iii, 15. which the Antient *Latin Vulgate* in like manner renders *si tardavero*. so again 2 Pet. iii, 9. 'Ου βραδύει ὁ Κύριος τῆς ἐπαγγελίας which he translates, *Non TARDAT Dominus promissi: i. e. non tardus est quod ad promissum attinet, ἕνεκα τῆς ἐπαγγελίας* The Lord is not slack (as to, or) concerning his promise: as it is very well render'd in our *English Translation*. From these places of the *Latin Vulgate* it is likely our Author took his use of the Verb *tardare*; as did perhaps *Philoxenus* in his *Glossary: tardat, βραδύει*. Here then, in all probability, is an Instance of a Word not used in that manner and Signification in the time of Cicero. which how-

ever I look upon only as a *Secondary* Argument against the *genuineness* of these Epistles, because I believe it will be found that most of the Instances I have already mentioned are such as *never* were, nor indeed could be, in Use in *any Age* of the *Latin* Tongue, in the manner this Author applies them.

Give me leave to add, as a matter of Curiosity rather than of Objection, the following Remark. In the xv<sup>th</sup> Epistle he writes thus: *quod et PLURES occidit uno*, etc. and so does *Cicero*, as to the word *plures*, De Legg. ii, 15. *siquidem illa severa Lacedaemon nervos jussit, quod PLURES quam septem haberet, in Timothei fidibus demi.* and in *Orator.* cap. 64. *quod PLURES habeat syllabas quam tres.* These expressions are, I believe, the only Instances of their kind in all Antiquity from the time of *Ennius* to that of *Livy*, between whom and *Cicero* there were several years, in which great Innovations were made in the *Latin* Tongue. for before *Cicero*, and in his time, whenever they had occasion to express a *Numeral* after the Comparative *more*, as in this place, *he hath kill'd MORE than ONE*; they did  
not



not write *PLURES occidit uno*, but *PLUS* (or *amplius*) *occidit uno*, or *quam unum*, or *plus unum*, by an Ellipsis of the Conjunction *quam*. the full expression would have been, *occidit plus hominum uno homine*, or *quam unum hominem*, etc. Examples of this are to be found in *Ennius*, *Plautus*, *Cato*, (quoted by *Varro De R. R.* ii, 3. by *Gellius* vii, 3. by *Pliny N. H.* xvii, 18.) *Terence*, *Scipio Aemilianus* (in *Macrobius Saturnal.* ii, 10.) *Cassius Hemina* (in *Gellius* xvii, 21.) *Valerius Antias* (in *Livy* xxxviii, 23.) *Varro*, *Hirtius*, *Auctor. De Bell. Africano*, and in *Cicero* in very many places; and not once otherwise in the abovementioned, or any other, as far as I can find, or in *Cicero* himself, except in these two places. It seems as if he was the first who made this alteration in the Latin Phrase. *Livy* followed him in it: but, as if he were sensible that it was an Innovation and an Expression *upon trial*, he uses it very sparingly. for, if I am right in my account, it is to be found only *Four* times in *Livy*; whereas the other manner, by *plus*, is used by him above *Eighty* times. But the expression had the good fortune to please. for after *Livy*, in *Tiberius's* time and after-

wards, it was brought into more common Use by *Vell. Paterculus, Ascon. Pedianus, Columella, Lucius Seneca, Tacitus, Suetonius, Gellius, Censorinus, Solinus, and Fest. Pompeius.* tho' even then, most of these whom I have mentioned do more frequently use *plus* or *amplius* than *plures*; and many whom I have not mentioned, as the *Auctor ad Herennium, Petronius Arbiter, Q. Curtius, Pliny the younger, Quintilian, and Frontinus,* never use the Plural before the *Numeral*, but always *plus* or *amplius*. But to return from this digression.

Epist. viii. p. 52. *nec me—— minus putarim reprehendendum, si inutiliter aliquid senatui suaserim, quàm si INFIDELITER.* Several Learned men who have been very curious in their Searches into the Latin Tongue, have declared against the *Latinity* of the word *infideliter*; for which they say the True Expression is *mala fide*, as is observed by *Ger. Joan. Vossius, De Vitiis Sermonis, Lib. iv. cap. 33. p. 782.* who adds however, that “ he will not  
 “ greatly contend concerning it, because  
 “ *Cicero* uses the simple word *fideliter*, and  
 “ therefore *Hen. Stephanus* acknowledgeth  
 “ the compound, *infideliter*, as Latin, in  
 “ his

“ his *Expostulatio de Latinitate suspecta*  
 “ cap. vi.” Olaus Borrichius, who with  
 great Skill and Accuracy examined the a-  
 bovementioned Treatise of Vossius, in his  
*Cogitationes de variis Linguae Latinae ae-*  
*tatibus*, etc. p. 30. retains *infideliter* in the  
 Catalogue of *vitiosa vocabula*: nor does  
*Scioppius*, Animadvers. in Vossium De Vi-  
 tiis Sermon. quoted by Borrichius p. 209, etc.  
 prove it by any Instance to be Latin: and  
*Cellarius* in *Cur. Posterior.* places it in the  
 chapter *De Latinitate Barbara aut Incerta*,  
 cap. x. p. 359. If the Remark of these  
 Learned men be true, it decides at once  
 against the *genuineness* of this Epistle. but,  
 which is very strange, it seems as if all of  
 them had overlook'd the word *infideliter* in  
 this passage: for they neither mention it,  
 nor bring any other Instance of the word.  
 What therefore they would have deter-  
 mined concerning it, had they remembered  
 this place, no body can say. but thus much  
 we may safely say, that this word affords  
 just grounds of Suspicion; because if *Ci-*  
*cero* had ever used it, tho' once only, it  
 would, in all probability, have been men-  
 tioned at least, by some or other of the  
 Antients. In the mean time nothing can



be more Infirm than the Argument of *Vossius* and *Stephanus*, if they allow *infideliter* to be a good Latin word, only from *Analogy*, and because *Cicero* makes use of *fideliter*. They cannot be better confuted than from that very page of *Vossius*, who there observes, that “ *inenodabiliter* is a  
 “ Barbarous word, and yet *inenodabile* is  
 “ *Cicero*’s in the Book *De Fato*. So *inexplicabilis* is used by *Cicero*; and yet I  
 “ imagine he would not have said *inexplicabiliter*.” Again, “ *infirmiter*, for *infirme*, I do not find in good Writers.” and yet any *Lexicon* will inform us that *firmiter* is a word of the purest Age of the Latin Tongue. Once more: “ I would  
 “ not choose to say *inhospitaliter*.—— I  
 “ should not indeed greatly oppose any one  
 “ who made use of this word; not so  
 “ much upon the account of what *Hen. Stephanus* says for it, as because *Horace*  
 “ has *inhospitalis*, and *hospitaliter* is in  
 “ *Livy* lib. i, and vi.” Now that these words, *infideliter*, *inenodabiliter*, *inexplicabiliter*, *inhospitaliter*, and innumerable others of the same Analogical Formation, might have been Latin, had the Antients thought fit, no body can doubt: but the  
 question

question is, whether they actually *were* such; which cannot now be proved by us unless from Examples fetch'd out of Antient Writers: in default of which, all such Words are to be look'd upon as *Barbarous*, and to be avoided as such by those who propose to write like the Antients. I speak of *Language* only. for as to Modern Writers of Latin who regard nothing but the *Matter* and *Perspicuity* in their Works, *infideliter, inexplicabiliter, inhospitaliter*, or any other Barbarous Words form'd from *Analogy*, may perhaps serve their purpose as well as the most Classical ones. But this was not *Cicero's* manner: and therefore it ought to have been avoided by one whose purpose was to write Epistles in the Name and Manner of *Cicero*. Excellent is the judgment of *Borrichius* in this matter, p. 213. “ Ego minus peccaturos existi-  
 “ mabo, qui hîc religioni propiores a sola  
 “ non pendent Analogia, sed credunt,  
 “ quod Auctōribus bonis usurpatum vident.  
 “ Prudenter jam olim *Priscianus*: *Etsi*  
 “ *regula sic concedat dicere, tamen nisi in*  
 “ *usu inveniamus auctōrum, non debemus*  
 “ *imitari*. Periere, fateor, scriptores plu-  
 “ rimi; sed quænam cum ipsis perierint  
 I 4 “ vocabula,

“ vocabula, ignoramus omnes. Quin im-  
 “ mo, si Analogiae indulgendum liberaliùs,  
 “ et *defectiva* brevi forent pauca, et cali-  
 “ ganti barbariei fenestra aperiretur paten-  
 “ tissima. quis enim non satis doctum se  
 “ putaret, ad novas ex Similitudine voces  
 “ confingendas? *Horatii* istud, *licuit sem-*  
 “ *perque licebit*; et *Quintiliani*, *quando de-*  
 “ *suit licere*, intelligendum de lingua adhuc  
 “ vulgò florente, et totis urbibus provin-  
 “ ciisque communi: nec enim crediderat  
 “ vel *Horatius* vel *Quintilianus* fore, ut  
 “ lingua Latina in urbibus obmutesceret,  
 “ et in solis viveret eruditorum libris.” etc.

But what is this which we meet with  
 Epist. xix. p. 130? *nulloque praesidio QUATE-*  
*TEFECI Antonium*. The word *quatefec*i  
 is perfectly New: and not only New,  
 but also upon several accounts contrary to  
 Analogy, and the Method of Compound-  
 ing this kind of Verbs. For, *First*, it does  
 not appear that *facio* is ever found in Com-  
 position with another Verb that ends in *io*,  
 as it is here with *quatio*. and, *Secondly*, if  
 it were, it would not make *quatefacio*, but  
 either *quatifacio* or *quatiefacio*, the last Syl-  
 lable or Letter *o* being either omitted, or  
 changed into *e*; as in *pavefacio*, *fervefa-*  
cio,



*cio, stupefacio, frigefacio, madefacio, olefacio* or *olfacio, calefacio* or *calfacio*, (according to which it is very well that he did not make it *quatfacio*) *labefacio, tremefacio*, (in which two the *o* is changed into *e*) *languefacio, liquefacio, arefacio, pinguefacio, candefacio, tumefacio*, etc. which are formed from *parveo, ferveo, stupeo, frigeo*, etc. and which, *Thirdly*, it is to be observed, are *Neuters*, not *Transitives*, as *quatio* is. but we never find *parefacio, capefacio, fugefacio, jacefacio*, or any thing like them, from the *Transitives*, *pario, capio, fugio, jacio*. not but that *Transitives* are sometimes compounded with *facio*; as *moneo, doceo, terreo*: but then they have a Preposition set before them: so that you will not meet with *monefacio, docefacio, or terrefacio*; but *commonefacio* or *admonefacio, condocesfacio, perterrefacio*. But this is Grammatical and Pedantic, and below the Genius of a Writer who

*Fundet opes, Latiumque beabit divite lingua.*

Certain it is, that neither *Cicero*, nor any Writer before him, or in his time, or after him, as far as I can yet find, have made use of this word. nor is it mentioned by  
any

any of the Antients, Grammarians or others, as an ἅπαξ λεγόμενον, or word *only once to be found*; which it is almost impossible should have escaped their notice, if *Cicero* had ever made use of it. Perhaps the Sound of the word *patefacio* might lead him into this mistake. unless he chose to coin a New Word *pro libitu*; as did an antient Commentator upon the Canon-Law, (whom I have seen quoted, but have forgotten his Name) who reproving the Clergy of his time for riding upon stately Horses, uses this Argument: *Servator noster semel tantum ASINAVIT: nunquam equitavit, neque PALFREDAVIT, neque DROMEDARIAVIT.* For if *equito* signifies to *ride upon an horse*, why may not *asino* and *palfredo* and *dromedario* signify to ride upon an *ass*, *palfrey*, or *dromedary*? I should be glad to see what account any one who thinks these Letters to be the genuine Writing of *Cicero* and *Brutus*, will give of this Verb *quatefacio*: with which Word I shall conclude this Head of the *Language* of our Author; being persuaded that this Single Instance would be sufficient to ruin the Credit of a much better perform-

performance than these Epistles appear to be.

I shall now pass on to the Second Part, after having premised, that whoever in Vindication of these Epistles, shall think it worth while to take notice of these Objections which I have made to the *Language* of them, will be obliged (if he will answer them to any purpose) to prove by direct and clear Instances out of *Cicero* or other good and approved Writers, That *REVOCARE in integrum*, instead of *RESTITUERE*, is a *Latin* expression: That *prohibere PRAESENTIA mala*, and *coepimus persuadere*, are any where used, or can be, consistently with the nature of Language and Sense: That *nihil TANTI fuit QUO venderemus fidem*, instead of *UT venderemus*, is *Latin*: That *ita multi LABEFACTANT ut ne MOVEATUR interdum extimescam*, is not preposterous in a Prose-Writer: That *segnis*, when applied to the mind, may be used without the signification of *Reproach*: That in the expression *corruptus largitionibus*, the last word can be taken in a good sense, for *Honours*: That *petere* ever signifies to be a Candidate for a particular Post or Office, without any mention



tion or hint of *That* Particular: That *cujusve ratio habebitur*, is the same as *cujusve ABSENTIS ratio habebitur*: That *DECRETUS est bonos diis immortalibus*, may be put for *HABITUS est bonos Diis immortalibus*: That *REPONERE aliquem in aliqujus locum* can be said of a *Person*, instead of *substituere*, *sufficere*, *subrogare*: That *ut SOLERES* is good Writing, instead of *ut SOLEBAS*: That *non* may be put for *non modò* or *nedum*; and *quidem* without *ne*, in the manner it is done by this Writer: That *EXPLERE meritum* signifies *to REWARD merit*: That *quatefecì* is a *Latin* word.

If all these, and several others which I have already mentioned, can be defended by proper Examples out of the best Writers of Antiquity, (for without such Examples, the bare Opinions and Reasonings of all the Learned Men in the World are no manner of Defence to a Piece against which there lie such *Strong* and *Just* Objections and Arguments) I would then beg leave to propose another Sett of the same kind out of these Epistles, to be accounted for and explained in the like manner; being of opinion that he who can do this

truly

truly and effectually, will deserve very well of the *Latin* Tongue, and at the same time will show great Skill in that Language. and if any body thinks that some of these here taken notice of, are inconsiderable, and such as may easily be excused in any Writer; he should be told (and it cannot be too often repeated) that in a Modern Writer of *Latin* it is reasonable and we ought to overlook an hundred Mistakes of this kind, provided we sufficiently understand what it is that he intends to express: *re enim intellecta, in verborum usu faciles esse debemus*, is *Cicero's* own Precept. but in an Antient (as this Author pretends to be) the case is much otherwise. for we cannot suppose or imagine that a True Antient *Roman* Writer, especially *Cicero* or *Brutus*, could be ignorant in the Language in which he wrote and which he spoke every day of his life: and that it would be as impossible for either of them to write deliberately, *nihil tanti fuit quo venderemus fidem nostram*, instead of *UT venderemus*, as it would be to have written *QUORUM venderemus*. And this little Instance of *Bad Latin* (if it be such, as I shall believe it to be till I see reason to the contrary

contrary) seems to be as certain a Proof of the *Forgery* of these Letters, as *coepimus persuadere, prohibere praesentia mala, quateseci*, or any of the above-mentioned which have a more glaring appearance of *Ignorance* in the *Latin* Tongue. And if this be the case in All, or Several, or Any of the Instances I have objected to, I imagine it may be allowed that I have proved my *First* Point, That *Cicero* and *Brutus* could *not* POSSIBLY be the Authors of these Letters.

But if so, what need is there, you will say, of giving Me or your self any further trouble? My reason for it is this: Because, tho' I am satisfied, for my own part, that there cannot be stronger Arguments against the *genuineness* of these Epistles than the Instances in the *Language* which have been already brought; yet I am aware that it may be said, That all Arguments from *Language* are now very uncertain, because we know so little of the *Latin* Tongue, of its Nature, Extent, or the Liberties which may, or may not, be taken in its Compositions, as having comparatively so few Remains of the Antient Authors who wrote in That Language, and no body  
now



now Alive who can pretend to inform us what is, or what is not, allowable in it : *That* nothing is more common than for Men of Letters to pronounce concerning *Latin* Expressions as Faulty, which have been proved afterwards from undoubted Authorities to be otherwise : *That* even in these Epistles, Men of very great Learning have sometimes done the same thing, when as it were easy to show that the Mistake lay in Themselves, not in the Writer of the Epistles : *That*, at the best, Arguments of this kind are suitable to the Judgments of a Few only, and Those too Men of Reading and Leisure ; and even They ought to have time allowed them to consider and search whether these things be so, not to take the bare Word of every Objecter : *That* therefore Arguments of a different kind lye more level to all apprehensions and capacities : as for Instance, If a Writer should take upon him the Name of *Cicero*, and in his Writings should frequently contradict *Cicero* and *all History* in Matters of Fact ; and in a Short Work should often *contradict* even *Himself* too, and *forget* in one part what he had said a little before in another : Further, If the

same Writer should assume the Characters of *Cicero* and *Brutus*, two Persons who are universally allowed to have been Men of the strongest Parts, clearest Reason, and soundest Judgment; and under those Characters should introduce *Cicero* and *Brutus* trifling in their Correspondence, and *reasoning* weakly and incoherently: if those points could be proved, such Arguments would be more convincing to the Generality of Readers, because, in the former case, *Cicero* would be represented as *careless* and *indolent* even to *Stupidity*; in the latter, *Cicero* and *Brutus* as not having common *Sense* and *Understanding*: both which representations would be very contrary to the notions which all Mankind have justly formed of those two Great Men, of whose *Language* and *Style* they are not perhaps so competent Judges.

Let us therefore set aside the *Language* for a while, and try our Author upon these Two Indictments, First, his *Facts*, under which we will place his *False History*, and his *Forgetting*, and *Contradicting* Himself, which is relating the same Fact different ways: and, Secondly, his *Reasoning* and *Sentiments*. As to the First of these, I am  
already

already in a great measure happily prevented by an excellent Piece lately published by my Learned Friend Mr. *Tunstall*, [*Observations on the present Collection of Epistles between Cicero and M. Brutus, etc. London. 1744. 8°.*] who in a multitude of Instances has shewn the Ignorance and Blunders of the *Sophist* upon this head so effectually, as that, in my opinion, his Arguments can never be fairly answered. All therefore that can be added upon this article, is no more than *actum agere*; which, notwithstanding that the old Proverb forbids it, I shall venture to do, so far as to produce Two or Three Examples of the same kind, which I do not find mentioned in the aforesaid Piece: and I will answer for it, that those who come after us both, will find several more of the same sort, if they shall think it worth their while to look for them.



## R E M A R K S

O N T H E

## F A C T S

O F T H E

## E P I S T L E S.

## S E C T. II.

**E**PIST. xxi. p. 146. *Cicero* writes thus: *neque solum ut SOLONIS dictum usurpem, qui et SAPIENTISSIMUS fuit EX SEPTEM, et legum scriptor solus ex septem, etc.*

If the true *Cicero* wrote this, he must have strangely forgot himself. for in his Treatise *De Legibus* (which probably was written towards the end of the year U. C. 709, as this Letter is supposed to have been written in *July* the next year: See Dr. *Chapman's* Dissert. de Aetat. Libb. Cic. *De Legibus*, p. 32.) Lib. ii, 11. he says: **THALES** (not *Solon*) *qui SAPIENTISSIMUS INTER SEPTEM fuit.* And again, *Academic.* ii, 37. *princeps THALES, unus e septem,*

*septem, cui sex reliquos CONCESSISSE PRIMAS (sc. partes) ferunt, ex aqua dixit constare omnia: Thales, one of the Seven Wise men, to whom it is said the other Six yielded the precedency in Wisdom, was the first who held that Water is the First principle of all things.* The Contradiction is so manifest, that One of the *Two Cicero's* must here be under a great mistake. The truth is, this Author ought to have read all the Works of the *Real Cicero* more carefully, or at least to have confined his Pen and Imagination to those parts of him which he had read, before he attempted to write *Letters* for him. but as he has now managed this matter, he has made good the Remark of *Lactantius* upon another occasion, *Institut. Lib. ii, 8. nec enim ab ullo poterit Cicero quàm a Cicerone vehementius refutari.* Solon was without doubt a very *Wise* man, and a *Writer of Laws*: both which circumstances are mentioned together in the *Orat. pro Sex. Roscio Amerino, c. 25. prudentissima civitas Atheniensium, dum ea rerum potita est, fuisse traditur. ejus porro civitatis SAPIENTISSIMUM SOLONEM dicunt fuisse, eum, qui LEGES, quibus hodie quoque utun-*

*tur, SCRIPSERIT. Gellius xvii, 21. SOLONEM ergo accepimus, UNUM ex illo nobili numero Sapientum, LEGES SCRIPSISSE Atheniensium, Tarquinio Prisco Romae regnante, anno regni ejus tricesimo tertio.* but whence our Author took his information that *Solon* was the *Wiseſt of the Seven*, unleſs he miſtook it from the paſſage of the *Oration* juſt now quoted, I have not yet found. It is very plain that he did not take it from *Cicero*, who *de Fin.* iii, 22. gives *Solon* the bare title of *unus e ſeptem Sapientibus*, and *Solonis ſapientis*, *De Senect.* c. 20. Dr. Bentley in his Pref. to the *Diſſert. upon the Epift. of Phalaris, etc.* p. 77. ed. Lond. 1699. perhaps from this paſſage of this *Epistle*, calls *Solon* the *wiſeſt of the famous Seven*. I will not pretend to affirm that the ſame is not to be found in ſome other Antient *Greek* or *Latin* Writer. but be that as it will, it does not excuſe the Contradiſtion in *Cicero*.

It may be ſaid perhaps, *That* a miſtake of this kind is no new thing in *Cicero*: for in another of his pieces he had put *Eupolis* (*De clar. Orator.* c. 9. and 15.) inſtead of *Ariſtophanes*; which he afterwards found out, and deſired *Atticus* (*Epift.* xii. 6.)



6.) to order his Scribes to correct in his Copies: See likewise another *Ad Attic.* xiii, 42. which he there acknowledges: And in the second book *De Gloria*, as is observed by *Gellius* xv, 6. he had put *Ajax* instead of *Hector*. That such a failure of Memory might more easily happen in Different Works, written at some distance of Time from each other. Be it so: tho' I believe *Cicero* would not think himself much obliged to any body who should defend him in this manner. but what shall we say to the following Instance of Forgetfulness in *one* and *the same* Letter, written, it may be supposed, at *one Sitting*, and in the Space of an Hour or two? I mean the V<sup>th</sup> Epistle: which he begins with acquainting *Brutus*, "That on the 13<sup>th</sup> of *April* (ID. " APRIL.) Two Letters had been read in " the Senate; One, as from *Him* (*Bru-* " *tus*); the Other, from his Prisoner, *C.* " *Antonius*: That he forbears to give him " any account of them, because he takes it " for granted that his other Friends at " *Rome* had already done it; and there " was no necessity that He and they too " should write the same thing." This is Reasonable and Satisfactory, if we can but

hold him to it. But see the Inconstancy of the Man! for a little lower, in *this very Letter*, p. 34. he gives *Brutus* a particular account, from the beginning to the end, of the whole affair of the *Two Letters*, the omission of which he had but just before so well excused<sup>a</sup>. *Ecce tibi*, IDIB. APRIL. *advolat mane celer Pilus!* — *Hic epistolas adjert DUAS; unam TUO NOMINE, alteram ANTONII.* etc. The Antient Critics observe that the word *Ecce* implies something *Strange* and *Unexpected*. it never was more properly used than in the beginning of this Narration. *Tantumne fuisse oblivionem, in SCRIPTO præsertim, ut ne legens quidem unquam senserit quantum flagitii commisisset!* as this same *Brutus* (*Declar. Orator. c. 61.*) says upon another, not very different, occasion. When *P. Servilius Rullus* the Tribune, in his *Agrarian Law*, thro' inadvertency had made one part of it contradict another, *Cicero* (*de Leg. Agrar. ii, 10.*) makes the following Reflection upon him: *Et is orbem terrarum constringit novis Legibus, qui, quid in secundo capite SCRIPTUM EST, non meminit*

<sup>a</sup> See another Instance of the like kind taken notice of by Mr *Tunstall*, *Observat. p. 366.*

*in tertio ?* which, with a little alteration, is applicable to the present case : *And does this Man pretend to write Epistles for Cicero and Brutus, who in the middle of a Letter forgets what he had written in the beginning of it ?*

Nor is *Brutus* behind-hand in this quality of Forgetfulness. For Epist. xi. p. 70. he writes thus to *Cicero* : *statuo nihil nisi hoc, Senatûs aut Pop. Romani judicium esse de iis civibus qui pugnantes non interierint. At hoc ipsum, inquires, inique facis, qui hostilis animi in rempublicam homines, CIVES appelles. I determine nothing but this, That it is the Right of the Senate or People of Rome to pass judgment on those Citizens who were not slain in battle. But I am to blame, you will say, for giving the title of CITIZENS to those who bear an hostile disposition to the Republic. Be not in any concern, Brutus : Cicero can never make this Objection, nor blame you for calling these men Citizens ; because He himself, and in the very Letter which you are now answering, has already called these very same persons, Citizens, Epist. ix. p. 56. Sic sentit Senatus, sic Pop. Romanus ; nullos umquam hostes digniores omni supplicio fuisse, quàm eos*



CIVES, *qui hoc bello contra patriam arma ceperunt*. This might seem to be an extraordinary instance of Negligence or Forgetfulness in another Writer: But in *Brutus* it is not so. For in the beginning of this Epistle he has forgot even That *Humanity* which was so remarkable a part of his Character. *Cicero* had told him in his last (Epist. ix. to which this xi<sup>th</sup> is the Answer) that both the Consuls *were kill'd*. To this he replies: *Quanta sim LAETITIA affectus*, etc. *How great JOY it gave me to hear of the circumstances of our Friend Brutus and THE CONSULS, it is easier for you to imagine than for me to express*. Can men of Sense bear with such an Idle and Inconsistent Scribler as this, who is *rejoicing* at the Death of his Friends in the same Letter in which he is setting off and vindicating his *Humanity* to *C. Antonius* one of the greatest of his Enemies? This last was taken notice of by Mr. *Tunstall* before me, *Observat.* p. 227.

But these Blunders concern Themselves only, and their own Characters; and therefore are almost pardonable in comparison of what we meet with in the same Epist. ix. p. 58. *Hirtius quidem in ipsa victoria occidit*

*cidit, cum paucis diebus magno proelio ante vicisset. nam Pansa FUGERAT, vulneribus acceptis quae ferre non poterat. For Pansa FLED, having received wounds which he could not bear. It is impossible that Cicero could write this, or that he could be either so ignorant of the history of the Battle of Modena, as to say that Pansa did fugere, flee, or run away; or so shamefully negligent, as to express Pansa's being carried out of the field upon the account of his Wounds, by so ignominious a word as fugere; this, I say, is impossible, because he Himself, in an Oration spoken the day before the supposed Writing of this Letter, after having done justice to Pansa's Valour, had said of him (Philipp. xiv. 9.) That he was, duobus periculosis vulneribus acceptis, SUBLATUS E PROELIO, carried out of the battle; (which Appian calls ἐξέφερο, Bell. Civ. Lib. iii, p. 926. ed. Tollii) and on the other hand, concerning Antony, cap. x. of the same Oration: O solem ipsum beatissimum, qui antequam se abderet, stratis cadaveribus parricidarum, cum paucis FUGIENTEM vidit ANTONIUM! So Epist. ad Famil. x, 14. FUGISSE enim ex proelio Mutinensi dicuntur notissimi LATRONUM*

DUCES\*. Nay this very Author Epist. xiv. mentions the FUGA *Antonii*: and Epist. xxiii. FUGIENTEM HOSTEM *persequi noluerunt*. I know very well that the *Soldiers* under the command of *Pansa* were routed in the *first* Battle. but that was not what our Author meant here: for he is speaking of the *Persons* of the Two *Consuls only*: CONSULES duos—*amissimus*. HIRTIUS *quidem in ipsa victoria occidit—nam PANSa fugerat, vulneribus acceptis, etc.* Nothing can excuse this Falsity, or Negligence of Expression, in a circumstance where the Character of a Brave Man was concerned, and in a Word concerning which he was so scrupulous upon another occasion, Epist. xxi. p. 150. CEDEBAS enim, Brute, CEDEBAS; quoniam Stoïci nostri negant FUGERE Sapientis. Had he followed the same Distinction here, *nam Pansa CESSERAT*, tho' the Sense would not have been fully express'd, yet it had been more tolerable and more to the purpose than it is in that passage, where for the

\* Macrobius Saturn. ii, 2. post Mutinensem fugam (f. pugnam) quaerentibus quid ageret Antonius, respondisse familiaris ejus ferebatur, Quod cavis in Aegypto: bibit et FUGIT.



fake of showing his Erudition, he uses *Brutus* in a manner very Uncivil and Disobliging, and very unlike *Cicero*. for he would insinuate, that *Brutus* did in reality run away, however he might cover his Flight under the specious name of withdrawing: which latter is much less than the former, because he who does *fugere*, does of course at the same time *cedere*, *excedere*, or *discedere*; but not *vice versa*. agreeably to which known Distinction, the true *Cicero* says, Philippic. V, 11. *ut primum post DISCESSUM latronis (Antonii), vel potius desperatam FUGAM, libere senatus haberi potuit; semper flagitavi ut convocaremur.* and so again *ad Attic.* viii, 3. This being so, it is worth while to observe the Inconsistency of this Writer. for he who in the xxi Epistle shows that he knew the difference between *cedere* and *fugere*, and who is there so cautious of giving offence to *Brutus* by using this latter word, does in another Letter to him without any scruple or apology make use of the very same word, Epist. xix. p. 130. *Incitavisti vero tu me, Brute, Veliae. quamquam enim dolebam in eam me urbem ire quam tu FUGERES qui eam liberavisses; (quod mihi quoque quondam acciderat*

*acciderat* etc.) *perrexi tamen* etc. Here then *Brutus* did *fugere*. But this is not all that is observable in this passage. he is not satisfied with contradicting Himself, but he is willing to make the most of it, and to do it in Doubtful *Latin* too. for by *eam urbem QUAM tu fugeres*, he must mean, *that city FROM (or OUT OF) which you fled, or were forced to flee*, as is evident from the parallel which follows, *quod MIHI QUOQUE quondam acciderat*, *which thing had formerly befallen ME TOO*; namely, when I was *expell'd* or *banished* by *Clodius's* means. but this ought not in this place to have been express'd by *eam urbem QUAM tu fugeres*, but, *eam urbem EX QUA tu fugeres*, for the sake of perspicuity, and because there is frequently a wide difference of Sense between the two Expressions. for *FUGERE URBEM* may signify *to AVOID the city*, by an act of *Choice*; which was not *Cicero's* case. So *Horace* *Epist.* ii, 2.

*Scriptorum chorus omnis amat nemus, et*

FUGIT URBES:

and *Cicero* *Ad Attic.* xii, 27. *circiter Kalendas adfuturus videtur. vellem tardius:*  
valde

*valde enim URBEM FUGIO multas ob causas.* See too *Propertius* ii, 23: 52. but to flee FROM (or OUT OF) the city, upon compulsion or necessity, is clearly, *fugere EX* (or AB) *urbe*; which sense is required here, because this, as every body knows, was the case of *Cicero*, concerning whom *Corn. Nepos* in *Attic.* c. 4. says, *cui EX PATRIA FUGIENTI, HS. ducenta et quinquaginta millia* (*Atticus*) *donaverat*: and the case of *Antony*, *Philipp.* iii, 1. *EX urbe FUGIT Antonius.* *Tusculan. Disput.* i, 35. concerning *Pompey*: *non EX Italia FUGISSET.* *Ovid Pontic.* i, 5: 84.

*Famaque cum domino FUGIT AB Urbe suo.*

In like manner *fugere proelium* is to avoid fighting or coming to a battle; as in *Sil. Italicus* ix, 175. *FUGE PROELIA, Varro.* but *fugere EX proelio* is to run away out of the battle, as *Cicero Fam.* xiv. *De Divinat.* ii, 37. and *Suetonius* in *Othon.* c. x. *fugere EX acie.* So then after all, and notwithstanding the *Stoical* Distinction between *fugere* and *cedere*, *Cicero*, we see, affirms that *Bru-tus* did *fugere*. No, but that is not certain yet. for again in the abovementioned *Epist.* xxi. p. 148. he says, speaking of the same thing:



thing: *Vos (Brutus and Cassius), fortasse sapientiùs, EXCESSISTIS urbe ea quam liberatis*: which is the very sense and design of the above mention'd passage in the xix<sup>th</sup> Epistle, *eam—urbem—quam tu FUGERES qui eam liberavisses*. What can be done with such a *Proteus*, or in what bands can you hold him, who in one place insists upon the distinction between *cedere* and *fugere*, and soon after shows that he did not know any difference between them? *Cicero* himself indeed often calls his own banishment by the name of *discessus*. but then he only does it when it is to the purpose of setting off his Love to his Country by representing that matter as a thing voluntarily undertaken in order to prevent greater mischiefs to the Republic. for at other times he speaks of it as a matter of violence and compulsion, as it certainly was: *me patria expulerat*, as he says of *Clodius*, *Orat. pro Milone* c. 32. and he calls it *fuga*, *Ad Attic.* iii, 3. See *de Divinat.* i, 28. But our Author has not yet done puzzling, and contradicting himself upon this head. for in the same xxi Epistle, p. 148. *Cicero* writes thus concerning himself: *Itaque cum teneri urbem a parricidis viderem, nec te in*

*ea nec Cassium tuto esse posse; mihi quoque ipsi esse EXCEDENDUM putavi.* This is very true: for *Cicero* is speaking of his intended *Voyage* into *Greece* in the Summer of the year in which *Caesar* was killed, A. U. 709. which he calls *profectio*, *Philippic. i, 1.* and cap. 2. *ea mente DISCESSI ut adessem Kalendis Januariis.* whence it is plain that it was a *voluntary* undertaking. But *Epist. xix. p. 130.* speaking of this very *Voyage*, he says, *Haec ego multo ante prospiciens, FUGIEBAM EX Italia, tum cum me vestrorum edictorum fama revocavit.* Here he undoes all again: for had he been *banished*, or *compelled* to go out of *Italy*, he could not have exprest it more strongly than by *fugiebam ex Italia.* not to mention Two other instances of Negligence in this Sentence, in the words *FAMA* and *vestrorum EDICTORUM.* for, First, it was but One edict, published jointly in the names of *Brutus* and *Cassius* (in like manner as their Letter to *Antony*, *Ad Famil. xi, 3.*) at that time *Praetors.* *Cicero Philip. i, 3. nec multo post, EDICTUM Bruti affertur et Cassii:* and again *ad Attic. xvi, 7.* giving the same account: *Haec afferebant, EDICTUM Bruti et Cassii.* but this Author,

knowing perhaps that both *Brutus* and *Cassius* were at that time *Praetors*, thought that there must of course be at least *Two* Edicts. Nor, Secondly, was it the *same* or *report* of the Edict, which contributed to the bringing back of *Cicero*, but the Edict *it self*, which he received, and read there, and thought it a very reasonable one. Philippic. i, 3. quoted before: *nec multo post, edictum Bruti AFFERTUR et CASSII: QUOD quidem mihi — plenum aequitatis videbatur.* These mistakes, however small they may seem, are such as *Cicero* himself could not have made.

But to proceed. *Seneca* in his *Nat. Quaest.* vii, 16. has a severe reflection upon *Historians* in general, in which this Letter-Writer may perhaps be concerned, as he is a relater of *Historical* matters: *Quidam* (historici) *creduli*, says he, *quidam NEGLIGENTES: sunt quibusdam MENDACIUM obrepit, quibusdam placet.* We have seen Two or Three instances of our Author's *Negligence*: let us examine whether he stands clear of the *other part* of *Seneca's* Charge. In the xvii<sup>th</sup> Epistle, p. 118. he gives this account of *Lepidus*: *repente non solum recepit reliquias hostium, sed bellum acerri-*



*acerrimum terra* MARIQUE gerit: on a sudden he hath not only received the broken remains of our Enemies, but is carrying on a most vigorous war by Land and by SEA. Cicero Famil. xii, 10. was contented to say, *Bellum quidem, cum hæc scribebam, sanè MAGNUM erat, scelere et levitate Lepidi.* but this Writer seems to have thought that it could not be a great War unless it was carried on by Sea as well as Land: and therefore he has improved upon Cicero, and converted Lepidus's Legionary Soldiers into Sailors \*. May we be permitted to ask him

\* Such another improvement upon Cicero has been made by a near Relation of this Writer, viz. the Author of the Oration *Post reditum in Senatu* cap. 7. The true Cicero in the Orat: pro P. Sextio c. 8. acquaints us; that L. Piso, who was his enemy, and Consul in the year in which he was banished; was at the same time Duumvir in the Colony of Capua: *Capua, in qua ipse (Piso) tum, imaginis ornandæ causa, duumviratum gerebat:* and in the Orat: in Pison. c. xi. he sneers at him upon the account of this paultry Duumvirate, and calls him in mockery *Campanum consulem, the Campanian Consul; or Consul of Capua.* The Author of the abovementioned Oration, *post reditum in Senatu*, remembered this last circumstance, and took it in earnest; and accordingly, instead of Duumvir, he very innocently introduces

him concerning this *Sea-War* of *Lepidus*, as *Cicero* does *Verres* Lib. V, 2. concerning his *Fugitives*: *ubi? quando? qua ex parte? cum aut navibus aut ratibus conarentur accedere? nos enim nihil unquam prorsus audivimus.* Produce out of *Cicero*, *Plutarch*, *Appian*, *Dio*, or any other unsuspected Greek or Roman Writer, any one *Testimony*, or the least *Hint*, tho' never so remote and obscure, of a single *Ship* or *Barque* employ'd by *Lepidus's* order in any *Sea-Action* during the Time here spoken of; and I will not dispute the Truth of the Fact. But there does not appear in the Historians the least mention or trace of any engagement by *Sea*, or of any Prepa-

duces *Piso* as actually *Consul* of *Capua* at the same time that he was *Consul* of *Rome*, cap. vii. *Capuaene te putabas, in qua urbe domicilium quendam superbiae fuit, consulem esse, sicut eras eo tempore; an Romae, in qua civitate omnes ante vos consules senatui paruerunt?* A *Consul* of *Capua* at that time, is near as great an absurdity in History, as a *King* at *Rome*; and the one would have been almost as soon born by the *Roman* people as the other, as this Declaimer might have known from *Cicero's* Orations against *Rullus*, De Leg. Agrar. i, 6. and ii, 34, 35. See too *Livy* xxiii, 6. The Learned *Hottoman* was so puzzled with this passage, that he confesses he could not tell what to make of it.

rations

rations of *Ships* and *Sea-Forces*, during this Revolt of *Lepidus*. had there been any such thing, and especially *ACERRIMUM bellum*, a most *SHARP* war by *Sea*, it must of necessity have affected the State of publick Affairs on one side or other: and then we should certainly have heard of it, either from *Cicero*, or from some of the Historians; unless some reason can be given why the mention of important Actions by *Sea* should be suppressed, and only those by *Land* mentioned. An omission of such consequence, in an History of which there are several Writers extant, is so impossible or improbable a thing, that I believe we may safely pronounce this *Sea-War* of *Lepidus* to have been unknown to the Antients, and a mere *Fiction* of our Author, to be rank'd in the same Class with the Battle-Accounts of *Valerius Antias* the Historian, whom *Livy* so often calls upon. This *Valerius* had a strange propensity to *Slaughter* and *Blood-shed* in War: which humour he indulged so intemperately, as frequently to add *Fifteen* or *Twenty Thousand*, sometimes more, to the number of the *Slain* in Battle. It happened, when *Annibal* was recalled out of



*Italy* to defend *Carthage*, which was about to be attacked by the *Romans* under the Command of *Scipio*, that just before his departure, the Consul *C. Servilius* and He came to a Battle near *Crotona*; in which the *Consul* seems, by what follows, to have had the better: but the Advantage was so inconsiderable, that former Historians had taken little or no notice of it. Here was a fine opportunity for *Valerius*! But what could he do? to lay about him in his wonted manner, and to Slay by *Ten Thousands*, would have been too Impudent and Outragious in a case wherein the Historians who had written before him had been almost silent: and on the other hand, he could not find in his heart to let *Annibal* go off without a *Parting-Blow*. He therefore thought it best to compound the matter between *Truth* and his own Favourite *Passion*, and let *Annibal* come off with the loss of only *Five Thousand*. This was very Reasonable and Modest, considering the Man. and yet even this Number seem'd so extravagant to *Livy*, that he could not forbear observing upon it, (for the sake of which Observation, and the Application of it to our Author, I mention the

the

the thing) Lib. xxx, 19. *Valerius Antias quinque millia hostium caesa ait. quae TANTA RES est, ut aut IMPUDENTER FICTA sit, aut NEGLIGENTER praetermissa.* *Valerius of Antium says that Five Thousand of the enemy were slain. which is a matter of SUCH MOMENT, that either it must be an IMPUDENT FICTION of Valerius, or a NEGLIGENT OMISSION of the other Historians.* Whether of the Two *Livy* took it to be, we may judge from several passages where he mentions this *Valerius* upon the same account: but especially Lib. xxxiii, 10. *Si Valerio quis credat, omnium rerum inmodice numerum augenti, quadraginta millia hostium eodem die caesa; capta, ubi MODESTIUS MENDACIUM est, quinque millia septingenti,* etc. *Livy*, who follows *Polybius*, sets down here *Eight Thousand* slain, and *Five Thousand* taken Prisoners. but *Claudius*, another Historian, makes the slain to be *Thirty-two Thousand*. no wonder then if *Valerius* took the advantage of the higher account, and mounted the number to *Forty Thousand*. Pardon this digression, and I return to our Author; who possibly may have been drawn into this *Falsity* (whether *Lie* or *Mistake*) by the Expression,

sion, *bellum terra marique*, which occurs frequently in *Cicero* and other Writers in the sense of a *general* war. So in the *Orat. pro Lege Manil. c. iv. a binis hostium copiis bellum terra MARIQUE gereretur. pro Archia c. ix. Mithridaticum vero bellum, magnum atque difficile, et in multa varietate, terra MARIQUE, versatum, totum ab hoc expressum est. Ad Attic. ix, 1. bellum Italiae terra MARIQUE inferamus. x, 4. bellum terra et MARI comparat. Philippic. xi, 12. bello P. Dolabellam terra MARIQUE prosequi.* and so in other places, and other Writers, which I need not transcribe. Our Author perhaps might have observed this, and might make use of the Expression without considering whether it were as *True* here as in the places just now quoted. I confess this Suspicion would seem hard, nor durst I have mentioned it, were I not thoroughly convinced of the great Want of *Judgment* and *Attention* which is to be found in this Writer, or had I not met with an Instance parallel to this; which will more properly come under the Head of his *Reasoning*, for which place I reserve it.

But



But let us go on to other Instances. *Brutus* in his Epistle to *Cicero*, p. 421. is speaking of *Antistius Vetus*: *is nobis ultro et pollicitus est et dedit* H-S xx. *ex SUA pecunia: et, quod multo carius est, seipsum obtulit, et conjunxit.* he did both voluntarily promise, and both actually given me two millions of Sesterces out of HIS OWN money: etc. The Fact, and the Sum, are taken out of *Plutarch* in *Brut.* p. 995. But I fear our Author hath fallen into a mistake by not attending more carefully to *Plutarch's* account of this matter. for *SUA pecunia* is without doubt a man's own money, his private Property: as in *Verr.* V, 18. *de TUA pecunia constare aedificatam esse eam navim:* and *SUA pecunia extruxit, fieri curavit*, and the like, in Antient Inscriptions frequently. See Dr. *Bentley's* Notes upon *Horace* Serm. ii, 3: 129. But the money which *Vetus* gave to *Brutus* was not *SUA* but *PUBLICA pecunia*, as appears by the passage from whence this is taken; where *Plutarch* tells us, That assoon as *Brutus* engaged in these matters openly, having heard that some Roman Ships, full of money, were coming thither (to Athens) out of Asia, and that a Praetor, a man of character, and

one with whom he was acquainted, was on board; he met him near Carystus: and after some conversation with him, prevailed upon him, and received the Ships, etc. then follows, a little lower: Afterwards Antistius gave him five millions of Asses (i. e. two millions of Sesterces) out of the money which HE LIKEWISE was conveying to Italy: ἀφ' ὧν ἦγε ΚΑΙ ἌΤΤΟ'Σ εἰς Ἰταλίαν χρημάτων. This account, and the Circumstances of it, put it beyond all doubt, that the money which this *Praetor* had on board the *Roman Ships*, was *Public money*, viz. the *Taxes of Asia* (as we shall see below out of *Appian*) which he had gathered, and intended to convey to *Rome*, after he had touch'd at *Athens* in his passage: and also that the money which *Vetus* (who had been *Quaestor* in *Syria*) was carrying to *Italy*, was of the same kind, is equally clear from the Narration, and especially from the words ΚΑΙ ἌΤΤΟ'Σ ἦγε, HE ALSO was carrying, i. e. he as well as the *Praetor* before-mentioned: whereas had it been his own money, *Plutarch* must have said, ἀπ' ἰδίων ὧν (or ᾧ) ἦγεν εἰς Ἰταλίαν χρημάτων putting in ἰδίων, and omitting καὶ αὐτός. *Velleius Paterculus* alludes, in all

all probability, to this very action of *Vetus*, Lib. ii, 62. where he is speaking of *Brutus* and *Cassius*: *pecunias etiam, quae ex transmarinis PROVINCIIS ROMAE a QUAESTORIBUS deportabantur, a VOLENTIBUS acceptant*. He says a *Quaestoribus*, in the *Plural*, because *Vetus* the *Quaestor* assisted *Brutus* with money, and *P. Lentulus* the *Quaestor* assisted *Cassius*, as appears from *Lentulus's* Letter to *Cicero*, Famil. xii, 14. But that which determines this matter at once against our Author, is the *Decree of the Senate* upon the Authority whereof *Brutus* received this money from *Vetus*; part of which *Decree* runs thus, as it was proposed by *Cicero* himself *Philipp. x.* at the end: *PECUNIAQUE ad rem militarem, si qua opus sit, quae PUBLICA sit et exigi possit, utatur, exigat, scil. Brutus*: and if he (*Brutus*) shall want money for the service of the war, let him have power to make use of and collect all such moneys as are *PUBLICK* and may be collected. Our Author therefore is guilty of a great Mistake when he says that *Vetus* gave *Brutus* this Sum *ex sua pecunia*: a Mistake which I presume *Brutus* himself would not have made, had he been the Author of this Letter. Give me



me leave to add, that this *στρατηγός* or *Praetor*, whose Name *Plutarch* does not mention, and to whom *Brutus* was much more obliged than to *Vetus*, was (*Marcus*) *Apuleius*; as we learn from *Appian* Bell. Civ. iii. p. 921. and iv. p. 1013. where he tells us, that (besides the *Ships* which *Plutarch* mentions) *Brutus* received of him what *Soldiers* he (*Apuleius*) had, and sixteen *Thousand Talents*, which had been collected out of the *Taxes of Asia*. And hence is to be explained a passage in *Philippic. x, 11. nam de M. Apuleio separatim censeo referendum: cui testis est per litteras Brutus, eum PRINCIPEM fuisse ad conatum exercitus comparandi*. Now both *Plutarch* and *Appian* agree, that these *Soldiers* and *Money* were given by *Apuleius* to *Brutus* at his first setting out and openly entering into the Civil War. So that *Apuleius* might justly be said to have been *PRINCEPS ad conatum exercitus comparandi*, whether you take *princeps* as the first in order of Time who contributed *Soldiers* and *Money* towards raising an Army for *Brutus*, which I think is the true Interpretation; or as the chief Mover and Promoter of it: for without *Apuleius's Money* *Brutus* could not have made his Levies,

Levies, nor paid his Soldiers. whence *Antony* objected this to *Hirtius* and young *Caesar*, in his Letter, *Philipp.* xiii, 16. *Apuleiana pecunia Brutum subornastis.* to which *Cicero* answers smartly, *nec enim sine pecunia exercitum alere, nec sine exercitu fratrem tuum capere potuisset.* It is likely that our Author did not know, or had not observed, these particulars concerning *Apuleius*: otherwise, he would have been as fond of him perhaps as he seems to be of *Vetus*. but his Name was not mentioned in *Plutarch*, nor the Particulars of his Merit in *Cicero*. hence this Silence concerning him in these Epistles. The Expression, *seipsum obtulit*, may be added (if any body thinks these Letters to be of sufficient Antiquity and Authority) to those of the like kind which Learned Men have noted upon 2 *Cor.* viii. 5. *ἐαυτοὺς ἔδωκαν,* they gave themselves: from which place of *St. Paul* this perhaps might be copied. tho' indeed there is something like it in *Seneca* de Benef. i. 5. and in *Livy* xxii, 32. in the Speech of the *Neapolitans*: and in *Demosthenes* *De Corona*.

Under the Article of *Vetus* we might ask this Author, whence it happens that  
 he

he introduces *Vetus*, who at that time seems to have been of no higher rank than *Quaestor*, as going to *Rome* to be a Candidate for the *Praetorship*? For during the *Free State*, and often afterwards, the usual Order in these Honours was, *Quaestor*, *Aedile*, or *Tribune of the Commonalty* if the Person was of a *Plebeian* Family; and then *Praetor*. and tho' this order was sometimes interrupted, as in the case of *M. Valerius Corvus* who was made *Consul* (the next Degree above the *Praetorship*) before he had born any other Magistracy; and in like manner the Elder *Scipio Africanus*, and *Pompey the Great*; and *P. Sulpicius Galba* before he had been in any *Curule* Magistracy: yet these were *Extraordinary* Favours, granted upon the account of *Extraordinary* Merit. but it does not appear from *Authentic History* that *Vetus* had any such Plea: nor had he yet been at *Rome* after his *Quaestorship* to recommend himself to the knowledge and favour of the People, and to beg their Connivance and Concurrence with him in this Unusual Step: and *Dio* Lib. xlvii. mentioning him a little before this time, calls him, *C. Antistius* QUIDAM, one *C. Antistius*;



*Antistius* ; which is a manner of speaking concerning an *obscure* person and one who is not much known. *Cicero* himself was forc'd to go through the Office of *Aedile* before he arriv'd at the *Praetorship* : and he observes (*De Offic.* ii, 17.) that *Mamercus*, for skipping over the *Aedileship*, met with a *Repulse* when he stood for the *Consulship*. So in *Livy* xxxii, 7. the Tribunes objected to *T. Quintius Flaminius*, a Candidate for the *Consulship* after he had been *Quaestor* only, that he had not pass'd thro' the intermediate Offices of *Aedile* and *Praetor* ; and would have set him aside upon that account, had not the Senate interpos'd. *Verrès* indeed was made *Praetor* without passing thro' the *Aedileship*. but look into cap. 39. Lib. i. in *Verr.* and you will find whence this happened : *emta apertissime praetura*. where see more to this purpose. Now tho' I do not deny that what is here related of *Vetus* might possibly be true, and I know that other Instances may be brought ; yet as we know no reason from History why he should be exempted from the Ordinary Forms ; and as this Author may be justly suspected upon several other accounts ; it is  
not

not impossible but that here too he may have been guilty of an Oversight.

The Letter of *P. Lentulus* to *Cicero*, Famil. xii, 14. which I mentioned just now, puts me in mind of a passage Epist. iii. p. 18. *Atque in hac contentione ipsa, quum maxime res ageretur, a. d. V. id. April. litterae mihi in Senatu redditae sunt a Lentulo nostro, de Cassio, de Legionibus, de Syria, etc.* In the midst of this contention, and in the very heat of the debate, on the ninth of April, a Letter was delivered to me in the Senate from our friend *Lentulus*, giving an account of *Cassius*, the Legions, and Syria, etc. *P. Lentulus's* genuine Letter, Famil. xii, 14. makes frequent mention of *Cassius*, his Army, and Syria. but it is unfortunately dated, not in February or March, (so as that *Cicero* might be supposed to receive it on the ninth of April) but iv. Kal. Jun. on the Twenty-ninth of May, from Perga in Pamphylia. Here our Author would be fairly caught, (and indeed I believe this to be the case) might it not be objected, That *Lentulus* might write another Letter to *Cicero*, tho' it be not now extant, concerning *Cassius*, the Legions, and Syria; which Letter  
might

might be written some time in *March*, (not before, because about the beginning of *March* *Cassius* seems to have taken possession of *Syria* and the *Legions* there: see his Letter to *Cicero*, Famil. xii, 11. dated on the vii<sup>th</sup> of *March*) and receiv'd by *Cicero* on the ix<sup>th</sup> of *April*, as this iii<sup>d</sup> Epistle affirms. To this I answer: That it seems very probable from a passage in *Lentulus's* genuine epistle, that he wrote no other Letter to *Cicero* concerning *Cassius*, the *Legions*, etc. nor indeed upon any other account, neither in *March*, nor for Two Months at least before. The passage is this, at the end of the Epistle: *Filium tuum, ad Brutum cum veni, videre non potui, ideo quod jam IN HIBERNA cum equitibus erat profectus. sed, medius fidius, ea esse eum opinione, et tua, et ipsius, et in primis mea causa, gaudeo.* When I met *Brutus* I could not see your Son, because he was then gone into WINTER-QUARTERS with the Horse. but in truth I rejoice both upon your account, and his, and especially my own, that he bears so good a Character. Suppose young *Cicero* went into Winter-Quarters in December, some short time before *Lentulus* met *Brutus*. if between that time and the



29<sup>th</sup> of May Lentulus had written *another* Letter to Cicero the Father, which was receiv'd on the *ninth* of April; it is *incredible* that he should have been so Negligent or Forgetful as in it not to have sent Cicero this agreeable account of his Son. but if he *did* send such an account in *That* intermediate Letter which Cicero receiv'd on the *ninth* of April, what need was there of repeating it in *This* which is dated on the 29<sup>th</sup> of May? It cannot indeed be denied that either case, viz. the *Omission* of young Cicero's good Character in a *Former* Letter, or the *Repetition* of it in a *Second*, might *possibly* happen. but, besides that neither of these cases is *usual* in matters of this nature, whoever will cast his eye upon *Lentulus's* Letter, will more easily perceive from the Beginning of it, and the Manner of its being drawn up, than from any Argument without reading the Original, that this Letter of the 29<sup>th</sup> of May, was the *first* which he wrote to Cicero after the time of his *meeting* with Brutus in the *Winter*: and consequently, that he *did not* in *March* send Cicero an account of Cassius's taking possession of Syria and the Legions, in a Letter which Cicero received on the  
*ninth*

ninth of April. In reality, this Author often runs himself into such improbable and dubious Circumstances, as to leave himself no room to escape but by a bare Possibility.

Of which kind also is That in this same iii<sup>d</sup> Epistle : *Lepidi tui necessarii, qui secundum FRATREM affines habet quos ODERIT proximos, levitatem et inconstantiam, animumque SEMPER inimicum reipublicae, jam credo tibi ex tuorum litteris esse perspectum.* He should have said *vos affines*, viz. *Brutus* and *Cassius* : which word Dr. Middleton hath rightly express'd in his Version. without *vos* the Sense is too general, and reaches further than the Author intended it should, or at least, than it ought to do ; because *Lepidus* might have, and without doubt had, many AFFINES whom he did not hate. So in another place speaking of the same *Lepidus*, Epist. xxiii. p. 182. *et in quo (bello) incolumis imperator, honoribus amplissimis fortunisque maximis, conjuge, liberis, VOBIS affinibus ornatus*, etc. which description of *Lepidus* is form'd out of *Philippic. xiii, 4.* By *vos affines*, you who are related to him by marriage (for that is the signification of *affinis*) he means

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chiefly

chiefly *Brutus* and *Cassius*. for *Lepidus* married one of *Brutus's* Sisters, and *Cassius* another, *Junia Tertia*; concerning whom see *Tacitus* at the end of the 3<sup>d</sup>. *Annal*. Hence *Cicero* writing to *Cassius*, calls *Lepidus*, AFFINIS tuus, in the Epistle from whence our Author took this whole Passage, *Famil. xii, 8. Scelus AFFINIS tui, Lepidi, summamque levitatem et inconstantiam, ex actis, quae ad te mitti certo scio, cognosse te arbitror*. You see how he endeavours to disguise the Theft, by putting *ex tuorum litteris* instead of *Cicero's ex actis*; and *credo esse perspectum* instead of his *cognosse te arbitror*. But the new Sentence which he adds out of his own Stock, *animumque SEMPER INIMICUM reipublicae*, is directly contrary to what *Cicero* himself says of *Lepidus* in another place, *Philipp. V, 14. Atque etiam M. Lepido pro ejus egregiis in rep. meritis decernendos honores quam amplissimos censeo. SEMPER ille populum Romanum LIBERUM voluit*, etc. that is, SEMPER AMICUS fuit reipublicae; the same who here is SEMPER INIMICUS. I know what regard is to be had to these Occasional Characters of Men which are sometimes given by *Cicero* in his Ora-

tions;



tions; concerning which he Himself says, Orat. pro A. Cluentio c. 50. *errat vehementer si quis in Orationibus nostris, quas in judiciis habuimus, auctoritates nostras consignatas se habere arbitratur. omnes enim illae Orationes, caussarum, et temporum sunt*, etc. but then I know too, that Cicero could not have had so little regard to Common Sense, as to have drawn Two such Inconsistent and Contradictory Characters of One Man as never were True, nor can be, of any One Man in the World. For it is impossible in Nature, that the same Person, of whom it is said on the First of January (when the V<sup>th</sup> Philippic was spoken) SEMPER pop. Rom. LIBERUM (esse) voluit, should on the xi<sup>th</sup> of April following, (about which time this Letter is supposed to have been written) or indeed at any other time, be said to have had animus SEMPER INIMICUM reipublicae, let him have chang'd his Principles or Practice ever so much in the mean time. for if the Last sentence were true, the First could not be so; and vice versa: as Quintilian justly observes, Lib. xii, 1. *cogitare optima simul ac deterrima non magis est unius animi, quàm ejusdem hominis bonum esse ac*

*malum.* Either of the two contrary Propositions may be true; but it is impossible that *both* of them should be so in a Matter of Fact. If *Cicero* had published a Piece in which he had said that *Scipio Nasica*, or any other Person, *was ALWAYS a most EXCELLENT Citizen*; and four Months after had published another, in which he should say, that the same *Scipio Nasica was ALWAYS a most PERNICIOUS Citizen*; we might justly look upon him as a very Idle and Frivolous, or rather a Mischievous Writer, not worthy to be regarded in any thing he said, tho' he should in a *Third* piece declare that he did not intend that the *First* Character of *Nasica* should be look'd upon as *True*. Into such an Absurdity hath this Author fallen by putting in unnecessarily the word *semper* here, and overlooking it in That passage of the *v<sup>th</sup> Philippic*: which is the more shameful in him, because the *Philippics* are one of his chief *Magazines* from whence he draws the Materials and Supplies of his Forgeries. But I have stray'd from my main purpose of quoting this passage of the *iii<sup>d</sup> Epistle*; which was, to take notice (as *Mr. Tunstall* has done before me, *Epist.* p. 230.) of the Figure

ὑστερον πρότερον, or *Anticipation of Time*, which this Author frequently makes use of; but remarkably here, where in a Letter written on the xi<sup>th</sup> of *April* he mentions *Marcus Lepidus's Hatred of his Brother Paulus* as a thing well known at that time, whenas the *Cause* of this Hatred was not in Being, that we know of, till the 30<sup>th</sup> of *June*, when *Paulus* was the First who in the Senate voted *Marcus* to be an *Enemy to his Country*; and the *Effect* of it did not appear till the 27<sup>th</sup> of *November*, when *Marcus* being of the *Triumvirate*, set *Paulus* down (or suffered him to be set down, M. Seneca *Suasor.* vi.) the First in the Catalogue of the *proscribed*. This is writing *backwards. cacumen radicis loco ponis*. And indeed if this Author at his first setting out had advertised his Reader, that in these Epistles he intended frequently to write as if he *began* this Year (U. C. 710.) on the *last* day of *December*, and *ended* it on the *first* of *January*; we should have been much better able to account for several difficulties of this *preposterous* and *inverted* kind, than we are at present from the ordinary way of reckoning. It cannot indeed be denied that there might possibly



be a remarkable Hatred between the Two Brothers at the supposed time of the writing of this Letter: and if there were no reason to call in question the Author's Credit, or if the Fact were confirmed by any other writer of undoubted Authority, the thing would be admitted without any scruple. but since both these Circumstances are wanting here, it may reasonably be suspected, that the Author of this Epistle, knowing that *Marcus Lepidus* did, *some time or other*, hate his Brother *Paulus*, might catch at the *Fact*, without considering the *Time*.

Which I take to be the case Epist. xv. p. 96. *Sed redeo ad Ciceronem. Quid inter Salvidienum et eum interest? Quid autem amplius ille decerneret?* Our Modern *Brutus* by his manner of expressing himself in this place, *quid autem amplius ille DECERNERET*, has betray'd his Ignorance either in the Language of Antiquity, or in the history of *Salvidienus*. for *decernere* (i. e. *decernendum censere*) is a word which is properly used concerning the *Senate*, or a *Senator*. but it unluckily happens that *Salvidienus* was not a *Senator* (and consequently had nothing to do with *decreeing*)  
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till

till a considerable time after the Death of *Brutus*, the supposed Writer of this Letter. for *Dio* Lib. xlvii. speaking of *Salvidienus*, says, that *Caesar* raised him to so great honour, as that he was Consul Design'd before he had been a Senator \*. now this Designation happened Three years, at least, after the date of this Letter, and Two years after the true *Brutus* was dead. but that he must mean the word *decerneret* in the sense of Senatorial decreeing, is evident, because he is comparing *Salvidienus* to *Cicero* in the very matter of decreeing, which, as I said before, belonged to Senators: and these words, *quid autem amplius ille DECERNERET*, answer and are opposed to those above which relate to *Cicero* as a Senator, *immo triumphus et stipendium DECERNITUR* (scil. a *Cicerone*), *et omnibus DECRETIS ornatur*: which too is a curious piece of *Latin*: tho' indeed the MSS vary there. The truth is this: The *Sophist* knew (for it was impossible

\* *Xylander's* Version (for I have not the *Greek* Text by me) is this, p. 378. ed *Francofurt*. 1592. *eumque* (*Salvidienum*) *Caesar ad id dignitatis eveherat, ut consul, quum Senator numquam fuisset, designaretur.*

that *Brutus* should know it) that *Salvidienus* was, some time or other, design'd or created *Consul* by *Octavianus*; and, as such, had a right to *decree* or *vote* in the *Senate*. but at *what time*, whether before or *after* the Death of the person whom he introduces as speaking of *Salvidienus*, let Pedants and Chronologers look to that. If it be said, that in the abovementioned passage after the word *decerneret* we are to supply from the sense, *si posset*; "what more would *Salvidienus* decree, if it were in his power:" I answer, that he must be an exceeding Bad Writer who gives the description of a person by a word which plainly and openly denotes him to be a *Senator*; and then leaves it to us to *understand* something from which we are to gather that he was *not* a *Senator*. *Seneca* De *Clement.* i, 9. just mentions this *Salvidienus*, but upon no other account than his being put to death by *Octavianus*. in *Appian.* Bell. Civ. lib. V. p. 1127. ed. Toll. you have an account of his crime. *Marcus Seneca* Suafor. ii. tells a Story of one *Thufcus*, a Declaimer of his Age, whom he calls *fatuum historicum*, an *historical blockhead*, from this absurd con-

found-



founding of Times. This *Thufcus* was to declaim upon the noted Theme, Whether the 300 *Spartans* at the Streights of *Thermopylae*, should retire, or wait for *Xerxes*. His Side of the Question was to exhort them to stay, and he gives this reason for it: *Expectemus, si nihil aliud, hoc effecturi, ne insolens Barbarus dicat, Veni, Vidi, Vici: Let us tarry: for if we gain nothing else, there will be at least this advantage in our Stay, that the insolent Barbarian will not have it in his power to say, Veni, Vidi, Vici.* The whole Audience knew that this was the expression of *Julius Caesar* upon his defeat of *Pharnaces* King of *Pontus*, several hundred years after the time of *Xerxes*.

I will mention but one more Instance, and then refer the Reader to the above-mentioned Piece of Mr. *Tunstall*, where he will meet with full satisfaction upon this Head. Epistle x. p. 64. *Cicero* is signifying to *Brutus* his desire, that his Son, young *Cicero*, who was now abroad, and suppos'd to be with *Brutus*, might be elected into the College of Priests at Rome. this, he tells *Brutus*, he imagines may be done, because there is a precedent for it:

*Caius*

*Caius enim Marius, cum in Cappadocia esset, lege Domitia factus est Augur: for C. Marius was made Augur by the Domitian law, while he was in Cappadocia.* In the first place, the Circumstance of *Marius's* being made *Augur* in his *absence* in *Cappadocia*, has of itself very much the look of a *Fiction* of our Author, because it does not appear from any Authentic Writer that *Marius* was so made: and, secondly, *Manutius* shows from a passage of *Cicero* (ad Attic. ii, 5.) that it was not the usual Method, in the *Augurate*, to elect a person who was *absent*: which is a good Argument till an Instance can be brought to the Contrary. But, thirdly, the Fiction seems to be more clearly evinced by what he adds, *lege Domitia, by the Domitian Law.* For this Law was made A.U.C. 650. in which year *Marius* was *Consul* the Third time. *Vell. Paterculus* ii, 12. speaking of *Marius*: *Tum multiplicati consulatus ejus. tertius in apparatu belli consumptus: quo anno, Cn. Domitius Trib. pleb. legem tulit, ut sacerdotes, quos antea collegae sufficiebant, populus crearet.* But it appears from an Antient Roman Inscription, cited by *Sigonius* in his *Fasti Consulares* p. 231, that

that *Marius* was *Augur* before his *Second* Consulship, A. U. C. 649. at which time, for ought we know to the contrary, he might have been *Augur* some years. consequently, he could not be made by the *Domitian* Law. Part of the Inscription, as far as relates to our purpose, is this: *C. Marius Pr. Tr. pl. 2. AUGUR Tr. Mil. ex. sortem bellum cum Iugurtha rege Numid. vel procos. gessit: eum cepit, et triumphans in Jovis aedem SECUNDO CONSULATU ante currum suum duci jussit.* This might seem decisive against *Marius's* being created *Augur* by virtue of the *Domitian* Law: especially in *Cappadocia*, whither it does not appear that he went till after his *Sixth* Consulship: and it is very improbable that he should not be created *Augur* before that time. not to mention, that at the time of *Marius's* going into *Cappadocia*, he was out of favour with the Electors into the *Augurate*, the *People*; who, contrary to his most earnest endeavours, were determined to recall *Metellus* from that Banishment of which *Marius* had been the Cause; to avoid the sight of whom, was one great reason of his undertaking that voyage. See *Plutarch* in *Mar.* p. 423. and  
*Epitom.*



*Epitom. Livian.* lib. lxi. But this Author knew from *Plutarch* that *Marius* was, some time or other, in *Cappadocia*: and when he had got him at such a distance from home, he thought he might safely do what he pleas'd with him. But if none of these Objections were of any weight, there is, Fourthly, another circumstance which would make it very improbable that *Cicero* was the writer of this Epistle. for it is not likely that *Cicero*, in order to prove the Legality of an absent person's being elected into a *minor Priesthood*, should instance in the *Augurate*, one of the *highest* Dignities, and in *Marius*, an instance of *threescore* years standing, when, as Mr. *Tunstall* has observed (*Epist. ad C. Middleton*, p. 244. and *Observat.* p. 335.) out of *Vell. Paternulus* ii, 43. there was a precedent adapted precisely to his purpose, and in his own knowledge and memory, viz. *Julius Caesar*, who was actually elected *minor priest* in his *absence*: concerning the time of which see Mr. *Wesseling* *Observat.* ii, 18. Nothing can be more unlike to *Cicero* than such an improper allegation. But what could a poor Author do in this case? He had not seen

*Vell,*

*Vell. Paterculus*, the Copies of whom, at the time these Letters were written, in all probability were very scarce; nor could he meet with in History an instance to his purpose: and being determined within himself to make young *Cicero*, then *absent*, a Candidate for a *Priesthood*, and having resolved that it should be so; if he could not find a *precedent*, nothing remain'd but to make one, right or wrong, and in spite of History, Custom, Probability, or Possibility, to create *Marius*, in *Cappadocia*, an *Augur*, by the *Domitian Law*. and if you provoke him, since his hand is in, he will in the Sentence next to this which I am speaking of, make a New Law of *his own*, namely, the *LEX JULIA de Sacerdotiis*: concerning the Words of which Law, *Qui petit, cujusve ratio habebitur*, I have already spoken, p. 56, 57, &c.

Let us now sum up the main part of our Evidence upon this Second Head. The *true Cicero* in two places calls *Thales* the *wisest* of the Seven Wise men: this *Cicero* gives that Title to *Solon*. He tells *Brutus*, that he does not think it necessary to send him an account of *Two Letters* which were read in the Senate, because he believes  
his

his other Friends had already done it : and nevertheless, in the same Epistle, he gives *Brutus* a particular account of the *Two Letters*. *Brutus* is apprehensive that *Cicero* will blame him for giving the name of *Citizens* to certain persons : whenas *Cicero* himself, in the very Letter which *Brutus* is then answering, had given the same name to those very Persons. *Brutus* expresses his great joy at the circumstances of his Friends *Decimus Brutus* and the *Two Consuls* at the Battle of *Modena* : whenas the *Two Consuls* were kill'd. *Cicero* in these Epistles says that *Pansa* did *fugere*, or run away, at the Battle of *Modena* : the true *Cicero*, and all History, say that he was carried out of the field upon the account of his Wounds. He says that *Lepidus*, after his junction with *Antony*, was carrying on a most sharp war by Land and BY SEA : of which last circumstance there is not the least probability, nor any mention or hint in Antient History. *Brutus* says, that *Antistius Vetus* had supply'd him with about Sixteen Thousand pounds of his (*Vetus's*) OWN money : whereas it appears from *Plutarch*, out of whom very probably this account was taken, that it was the PUBLIC money.

*Cicero*



*Cicero* tells *Brutus* that *Lepidus* had *animus SEMPER INIMICUM reipublicae*: the true *Cicero* says of *Lepidus*, in an Oration spoken but a little more than three Months before the date of this Letter, SEMPER ille (*Lepidus*) *populum Romanum LIBERUM voluit*; that is, SEMPER AMICUS fuit *reipublicae*. *Brutus* speaks of *Salvidienus* as a *Senator*: whereas *Salvidienus* was not in the Senate till two years after the death of *Brutus*. Our Author says that *Marius* was made *Augur* in his absence by the *Domitian Law*: whereas it seems to appear, that a person could not be made *Augur* in his absence; and, that *Marius* was *Augur* before the *Domitian Law* was made.

# REMARKS

## ON THE

# REASONING

## OF THE

# EPISTLES.

### SECT. III.

WE are now come to the Third Head which was propos'd, *viz.* our Author's *Reasoning* and Sentiments: which, in order to a successful *imitation* of *Cicero*, is a matter of much greater delicacy than either of the Two former. For a person of an ordinary Capacity, if he has *Industry* and *Patience*, may furnish himself out of *Cicero* with *Language* for the occasions of forged Epistles: and if he has common judgment and understanding, he may and will take care, for the sake of his own Character and Reputation, not to assert any thing as *Fact* and *History*, which may either be proved to be *False*, or may justly be

be doubted of whether it be *True*. But to *Think* and to *Reason* Ingeniously and Judiciously upon Points of some Difficulty; to bring forward every thing that may be of service to the Cause, and to keep back every thing that may hurt it; to be able to *invent*, and to introduce into your Subject a Thousand unexpected and surprizing Thoughts and Incidents either of the *lively* or of the *grave* and solid kind, which may either *entertain* or *instruct* the Reader, and keep him intent and eager to go on; and to *dispose* all this with so much Art as that there shall be no Absurdity, Contradiction, Inconsequence, or Inconnexion, nor a single Word that is Idle and does not make to the Purpose: All this is perhaps no more than a *part* of what is requisite to one who would *imitate Cicero's* performances of the Higher kind, in such a manner as deservedly to make his own Writings pass upon the World for those of *Cicero*. that is, in short, he ought to have a very great share of that *Ingenuity* and *Good Judgment* in Writing which *Cicero* was so plentifully possess'd of. But *Ingenuity* is a wild Gift of Nature, and born with us: whence it frequently appears in Chil-



dren and others without any pains of their own, who are Ingenious as it were *by chance*, and because they *cannot help it*. but the *Good Judgment* I am speaking of, which has the direction of *Thinking* and *Reasoning* justly and accurately, is the effect and consequence of much *Writing* and much *Blotting-out*; frequent *Comparison* of our Works with the *Best Models*; and strict *Observation* and *Consideration*; which are seldom the attainments of *Young Persons*, such as I should judge, from his Performances, our Author to have been. Even *Cicero* himself, in his *Younger* years, was forc'd to submit to the Common Condition; and accordingly has left upon record Two remarkable Instances of *Immaturity of Judgment*. Since I have mentioned the thing, it may not be amiss to produce the passages. The First is in his Oration pro *P. Quintio* cap. xv. *Etenim mors honesta saepe vitam quoque turpem exornat: vita turpis ne morti quidem honestae locum relinquit. For oftentimes an honourable Death sets off even a scandalous Life: but a scandalous Life does not leave room for even an honourable Death.* The latter part flatly contradicts and destroys what he had

advanc'd

advanc'd in the former. and yet there is scarce any thing, tho' ever so Absurd, in the Writings of the Antients, which has not found those who will defend it, especially if others have gone before them in finding fault with it. of which number is this passage. But *Graevius* with better Judgment allows, that it is a mere Sophistical Round, and Jingle of Words: in all probability an Oversight of the young Author himself. The other Instance is the celebrated one concerning the Punishment of *Parricides*, which was received with so much Applause when it was spoken by *Cicero*, in the First Public Cause in which he appear'd, *pro Sex. Roscio Amerino* cap. xxvi. *Etenim quid tam commune, quàm spiritus vivis, terra mortuis, mare fluctuantibus, litus ejeclis? Ita (parricidae) vivunt, dum possunt, ut ducere animam de coelo non queant: ita moriuntur, ut eorum ossa terram non tangerent: ita jaclantur fluctibus, ut nunquam abluantur: ita postremo ejiciuntur, ut ne ad saxa quidem conquiescant.* For what is so common, as Breath to the Living; the Earth to the Dead; the Sea to those who float in it; and the Shore to those who are cast up by the waves? But

Parricides (sow'd up in a sack) live, as long as they can live, in such a manner, as not to draw Breath from the common Air : they die in such a manner, as that their bones do not touch the Earth : they are toss'd by the Waves, so as to have no benefit of ablution from the water : and lastly, they are cast up, so as that even the Rocks afford them no resting-place : as being fetch'd back again, I suppose, by the next Tide. But in his *Orator* c. 30. he acquaints us, that some time after, he perceived this was too hasty and too Juvenile a Sentiment. which is very true : and the reason why it is so, tho' *Cicero* does not mention it, is obvious enough. For these Circumstances which attend the punishment of *Parricides* sew'd up in a Sack, and which he would represent as so very Terrible, and *peculiar* to those Wretches ; are in reality, with very small difference, no other than would befall the most *Virtuous* and *Worthy* man in the world, who should chance to be drowned in his Clothes : and if *M. Marcellus* (grandson of the great *Marcellus* who took *Syracuse*) who had been thrice Consul, and was a person *summa virtute, pietate, gloria militari*, as *Cicero* says of him,

in



in *Pison*. c. 19: if he, I say, when he was *shipwreck'd* and lost his life, perished with his *Clothes on*; compare the *Four Circumstances* which *Cicero* appropriates to *Paricides*, and you will find, that some of them with no difference, all of them with very little, are as applicable to *Marcellus* as to the most heinous *Parricide* that ever was sew'd up in a Sack. But now to our *Mock-Cicero*.

Epist. V. p. 38. he writes thus to *Brutus*: *Tu si hanc rationem non probas, tuam sententiam defendam, non relinquam meam.* The occasion of which was this: *Brutus* had taken Prisoner *Caius Antonius* (the Brother of *Marcus* and *Lucius Antonius*) and had treated him with great *Clemency*, contrary to the opinion and advice of *Cicero*, who was for *Severity*, and desirous that *Brutus* would put him to death. for, says *Cicero*, (p. 36.) the case of the Three *Antonies* is the same with That of *Dolabella*, who has been declared an *Enemy to the State*: and if we show favour to any of the *Antonies*, we have certainly dealt hardly by *Dolabella*. These too, continues he, are the sentiments of the *Senate* and *People*, chiefly owing to my advice and

authority ; tho' indeed the thing speaks for it self. Then follows the remarkable Sentence above quoted, *Tu si hanc rationem* etc. *If you do not approve of this manner of proceeding, I will defend your opinion, but will not depart from my own.* which seems to be an Absurdity, and an Impossibility in the nature of the thing. for *Brutus* was on the Side of *Pardon* and *Clemency* ; *Cicero* on the directly contrary, That of *Punishment* and *Severity*. Suppose then that *Cicero* in the Senate should have been call'd upon by the *Consul* (*Dic, Marce Tulli,*) to give his opinion again, (as he says he had already done) and to vote or decree upon the Case of *C. Antonius*. what part shall he now take ? if That of *Brutus* and *Clemency*, what becomes of *non relinquam meam* ? if That of *Severity*, which was his own opinion, what becomes of *tuam sententiam defendam* ? In truth, this is exactly what *Seneca* says, *De Benef. vi, 6. jubes me eodem tempore AMARE et ODISSE ; QUERI et GRATIAS AGERE : quod natura non recipit.* and I believe *Cicero* never had a more difficult Cause to manage than he would have found this to be, had *Brutus* taken him

him at his word: for *simul flare forbereque haud facile est*, if *Plautus* may be credited. What he meant seems to have been this: *I will defend your opinion* [in public], *but* [in my private judgement] *will not depart from my own.* but he has unfortunately omitted the very words which should have sav'd him from the Absurdity. The hint of the Sentence was perhaps taken from this *Ad Attic. vii, 6. Dices, Quid tu igitur sensurus es? Cicero* answers, *Non idem quod dicturus. SENTIAM enim omnia facienda ne armis decertetur: DICAM idem quod Pompeius.* But this Blunder might almost be forgiven for the sake of the beautiful passage which follows it: *Ciceronem meum, mi Brute, velim quam plurimum tecum habeas. Virtutis disciplinam meliorem reperiet nullam, quam contemplationem atque imitationem tui.* which is very well imitated from *Famil. i, 7.* at the end of the Epistle: *Len-tulum nostrum, 'eximia spe summae virtutis adolescentem, cum ceteris artibus, quibus studuisti semper ipse, tum in primis imitatione tui fac erudias. nulla enim erit hac praestantior disciplina.* The expression *virtutis disciplinam* is used by *Cicero De*



Offic. ii, 2. and quoted out of him by *Lactantius* Instit. iii, 13.

The above mention'd passage brings to my mind another relating to the same subject, Epist. xiv. p. 90. where *Cicero* says to *Brutus*: *illam distinctionem tuam nullo pacto probo. scribis enim, Acrius prohibenda bella civilia esse, quàm in superatos IRACUNDIAM exercendam. Vehementer a te, Brute, dissentio, nec clementiae tuae concedo: sed salutaris severitas vincit inanem speciem clementiae.* *Brutus's* opinion, we see, was a very Rational one, “ That we ought  
 “ to be more diligent beforehand in pre-  
 “ venting Civil Wars, than afterwards in  
 “ exerting *iracundia* (revenge) upon those  
 “ who are vanquished in those Wars.” But *Cicero* says he widely differs from this opinion. consequently, he must think, *That we ought to be more diligent in exerting iracundia upon the vanquished, than in preventing Civil Wars.* which is a most Inhumane opinion, if he intended what his Words seem to imply. But if he did not intend all this, the least he can mean must be the latter part, *That iracundia is to be exerted upon the vanquished.* otherwise, there will remain nothing in which he *dissents*  
 from

from *Brutus*. Now if this last be what he would say, besides that nothing can be more unworthy of a Philosopher, or more unlike to *Cicero*, he must have quite forgot those excellent precepts concerning this matter, which he wrote, not many Months before, to his Son *Marcus*, *De Offic. i, 25.* *Nec vero audiendi, qui graviter irascendum inimicis putabunt, idque magnanimi et fortis viri esse censebunt. nihil enim laudabilius, nihil magno et praeclaro viro dignius placabilitate atque clementia.* And a little lower: *Prohibenda autem maxime est ira in puniendo. nunquam enim iratus qui accedet ad poenam, mediocritatem illam tenebit quae est inter Nimium et Parum; quae placet Peripateticis; et recte placet, modò ne laudarent iracundiam, et dicerent utiliter a Natura datam. ILLA vero OMNIBUS IN REBUS REPUDIANDA EST: optandumque ut ii, qui praesunt reipublicae, legum similes sint, quae ad puniendum, non iracundia, sed aequitate, ducuntur.* These are noble Sentiments, and such as become *Cicero*. How happens it then that here he should vary so much from Himself and from Reason? The cause was this: The Sophist's Inadvertency or Wrong Head hinder'd him  
from

from seeing, that *Cicero* in declaring his Dissent from *Brutus*, has shifted the Terms of the Subject, and has slip't in *salutaris severitas* in the place of *iracundia*. for the sense of the latter part of *Brutus's* position was, *in superatos IRACUNDIA non est exercenda* : which one would think any Man, especially *Cicero*, would allow to be Reasonable. Pardon me, says *Cicero*, I widely differ from you there : for *SALUTARIS SEVERITAS vincit inanem speciem clementiae*. as if *salutaris severitas* here, were the same thing with *iracundia* there. If our Author would have made *Cicero* dissent Rationally and Logically from *Brutus's* Proposition, he should have kept to the same Terms on both sides ; and either have made *Cicero* answer, sed *IRACUNDIA* (not *salutaris severitas*) *vincit inanem speciem clementiae* ; which would have been Absurd, according to the opinion of the true *Cicero* just now quoted : or else he should have made *Brutus* propose at first, *acrius prohibenda bella civilia esse, quàm in superatos SALUTAREM SEVERITATEM* (not *iracundiam*) *exercendam* : which, I imagine, *Brutus* would never have said.



Once more, in the same Epistle, and on the same Subject, p. 88. *Quod scribis de Seditione quae facta est in legione quarta, de C. Antonio, (in bonam partem accipies) magis mihi probatur militum SEVERITAS QUAM TUA.* The Severity of Brutus was none at all: and the Want of it is the very thing which Cicero blames in him here, and in other places. That of his Soldiers, was a real Severity. for they \* killed the authors of the Sedition here spoken of, and demanded the Quæstor and Lieutenants of Antonius to be delivered into their hands: but Brutus, on pretence of ordering them to be thrown into the Sea, sent them to be kept safely on Ship-board. Such was his Severity. How then can the Severity of Brutus, which was none, come into any Comparison (*MAGIS mihi probatur — QUAM tua*) with That of his Soldiers? The Author evidently meant, *magis mihi probatur militum SEVERITAS QUAM tua LENITAS, or tua CLEMENTIA:* as in the passage spoken of in the foregoing Remark, *nec clementiae tuae concedo; sed*

\* See Dr Middleton, Note 5<sup>th</sup> p 92.

*salutaris SEVERITAS vincit inanem speciem CLEMENTIAE.*

Epist. xviii. p. 122. *Brutus* writes very pressingly to *Cicero*, to beg of him that he would take into his Protection the Children of *Lepidus*, (Nephews to *Brutus*) if the report should prove true, that *Lepidus* had revolted from the Common Interest, and join'd himself to *M. Antony*. He gives Two Reasons why *Cicero* ought to comply with this his Request, p. 124. *Quare noli expectare longas preces: intueri meipsum; qui hoc, vel a Cicerone CONJUNCTISSIMO homine PRIVATIM; vel a CONSULARI tali viro, remota necessitudine privata, impetrare DEBEO.* The First Reason is, Because of their *private Friendship*: which is a very good one. The Second, Because, setting aside private Friendship, *Cicero* is a Person of *Consular Dignity*. What *Cicero's Consular Dignity* has to do with the *Defence* of a *Traitor's Children*, it is difficult to apprehend. The Argument seems to me to be of the same validity as if he had said, Because, setting aside private Friendship, *you are about sixty three years old, and were born at Arpinum*. If indeed it be of any weight on either side, I should think it makes

makes *against Brutus*, rather than *for him*: because, it might be said by an Adversary with some show of Reason, That *Cicero*, as being a Person of *Consular Dignity*, and of such Eminence and Consequence in the Republic, *ought not* to patronize the Children of a *Traitor* to the State, were it only on account of the Bad Example. Certainly if the Argument be of any force, it reaches *all* the Persons who at that time were of *Consular Dignity*, as much as it does *Cicero*; because *private Friendship* is here thrown out of the question by *Brutus's* own position, *remotâ necessitudine privatâ*: and then, there remains nothing but the *Consular Dignity*; which was common to *many others* as well as *Cicero*. If the passage be distinguished thus, *vel a Consulari, tali viro (remota necessitudine privata) impetrare debeo*; and by *tali viro* be understood *Lepidus*, so as to make *Brutus* give this Reason, That he ought *to obtain* this *from Cicero*, a person of *Consular Dignity*, *for Lepidus (tali viro) who likewise is* a person of *the same Dignity*; still it will be very bad and inaccurate Writing, and liable to many objections.



Epist. xvii. p. 118. there is another passage relating to *Lepidus's Children*, concerning whom *Cicero* says: *Nec verò me fugit quàm SIT acerbum, parentium scelera filiorum poenis lui. Sed hoc PRAECLARE legibus comparatum est, ut caritas liberorum amici-ores parentes reipublicae redderet.* If it really is *hard* or *cruel* that Children should suffer for the Crimes of their Parents, can it justly be said that *this is PRAECLARE legibus comparatum*, *WISELY contriv'd by the Laws*? One would rather think that it should have been, *quàm VIDEATUR acerbum*, *how hard it SEEMS to be.* at least our Author should have said so, because in another place, Epist. xxi. p. 156. I find him making this Distinction, and vindicating the Laws, in this very matter, not only from the *reality* of Cruelty, but even from the *semblance* of it: *in qua (sententia) VIDETUR illud esse crudele, quòd ad liberos, qui nihil meruerunt, poena pervenit. Sed id et antiquum est, et omnium civitatum: siquidem etiam Themistoclis liberi eguerunt.* He has nothing for it but to say that there is no Difference between *esse* and *videri*.

The celebrated xv<sup>th</sup> Epistle, (p. 94-) which contains *Brutus's* complaint to *At-*

ticus concerning Cicero's Political Conduct, sets out unfortunately : *Omnia fecisse Ciceronem OPTIMO ANIMO scio* : I know that Cicero has done every thing with the BEST INTENTION. the Reason follows : *quid enim mihi exploratius* etc. that is, *Because I cannot be better assur'd of any thing than I am of his disposition towards the Republic.* Say you so ? whence comes it then, that below (p. 100.) Cicero is charg'd with a design of setting up Young Caesar for Lord and Master of the Republic in the room of Antony ? *Quid enim nostrâ, victum esse Antonium, si victus est ut alii vacaret quod ille obtinuit ?* Is this consistent with Cicero's *optimus animus* towards the Republic ? Or this, p. 96. to the same purpose : *quod hoc mihi prodest, si merces Antonii oppressi poscitur in Antonii locum successio ?* \* A Tyranny and a Free-State are not more inconsistent with

\* The next Sentence is this : *et si vindex istius mali, auctor exstitit alterius, fundamentum et radices habituri altiores, si patiamur ?* Which is somewhat like to this Epist. xi. p. 72. *Nunc, Cicero, nunc hoc agendum est, ne frustra oppressum esse Antonium gavisi simus ; neu semper primi cujusque mali excidendi causa sit, ut aliud (malum) renascatur illo pejus.* I suppose he would have said *majus* instead of *pejus*. for *malum*

PEJUS

with each other than *Cicero's best intentions* are with these Sentiments, and some others in this Epistle: particularly this, p. 98. *et dum* (Cicero) *habeat a quibus impetret quae velit, et a quibus colatur ac laudetur, servitutem, honorificam modò, non aspernatur.* Think again, *Brutus*, whether it be possible, that *Cicero* could have the *best intentions* to *Freedom*, and at the same time *no Objection* to *Slavery*.

Epist. xxiii. p. 182. *Haec enim* (pecunia) *solvi potest; et est rei familiaris jactura tolerabilis: reipublicae quod sponderis quemadmodum solves, nisi is dependi FACILE patitur pro quo sponderis?* The latter part

PEJUS is *malum* MAGIS MALUM. and tho' it be found in *Seneca's Medea*, yet probably it is faulty there, because that Author in several other places has *majus malum*. After the word *excidendi*, Dr Middleton inserts *ratio*. I should rather choose to supply the word *omissio*: if it be not an oversight of the Author himself; which is not impossible. Be that as it will, the sense of the former passage, *et si vindex istius mali* etc. seems to be borrowed from *Plutarch, Compar. of Demosth. and Cic.* p. 888. where he says, *ἐργαφε δὲ καὶ βεῖτος, ἐγκαλῶν* etc. *Brutus* in his writings, (probably his *Epistles*) accused *Cicero* of having nurs'd up a greater and more grievous Tyranny than That which They (*Brutus* and his accomplices) had put an end to.



of the sentence is partly borrowed from  
Epist. ad Famil. i, 9. *nisi cum Marco fra-  
tre diligenter egeris, DEPENDENDUM tibi  
est quod mihi PRO ILLO SPOPONDERIS.*

There is scarce any One expression more  
frequently to be met with in *Cicero* than  
*facile pati*. he uses it perhaps the best part  
of an hundred times in different places in  
his Works; but more especially in his  
Epistles. It signifies, *readily or willingly to  
consent to, or, to acquiesce in, any thing.*

I will produce only Two Instances, which  
may illustrate the expression. *Ad Attic. xvi,*  
*16. in the second Epistle to Plancus: id tu  
nos obtinuisse non modo FACILE patiare, sed  
etiam GAUDEAS.* And *xiii, 33. audire  
me FACILE passus sum: fieri autem, MO-  
LESTE FERRO.* The first Instance deter-  
mines the Extent of the Phrase, and shows  
it to be less than *gaudere*: the latter shows  
its Opposite, which is *molestē ferre, or mo-  
lestē pati*, as in the *Orat. pro S. Roscio c. x.*  
and elsewhere. Let us now see what our  
Author makes of it: *For Money, says he,  
may be paid; and the loss of it is no great  
matter: but how can you pay what you stand  
engag'd for to the Republic, unless he, for  
whom you are engag'd, WILLINGLY suffer*

and nothing is nothing to the Republic, it  
will

*it to be paid?* Yes, you may ; if he suffer it to be paid UNWILLINGLY. and therefore *difficile* or *difficulter* would have done as well here as *facile*. For what is it to the purpose, whether it be paid *facile* or *difficulter*, *willingly* or *unwillingly*, *readily* or *with reluctance*, provided it be but *paid*? He might as well have said, “ Unless he, for whom  
 “ you are engaged, suffer it to be paid *before*  
 “ *Twelve o'clock*, or in the *Forum Boarium*,  
 “ or *booted and spurrd*,” or in any other Circumstance equally impertinent to the *making good* an engagement ; the completion of which consists in the *Performance* itself, not in the *Manner* or *Temper* in which it is performed : unless a man who has paid you money which was due to you, may be said *not* to have paid it, because he paid it with his *Hat on*, or in a *Bad Humour* and *unwillingly*. Here then is the Injudiciousness of this Author. he saw that *Cicero* frequently join’d *facile* to the Verb *pati* ; and therefore he had a mind to do the same. And why not ? But he did not consider, that *Cicero* never does so but when it is Proper, and when his Meaning could not have been rightly exprest without it : whereas *He* uses it when it is nothing to the Purpose, and  
 when

when its *Contrary* would have been equally *True*: in which manner it is certain that *Tully* would not have *Reasoned*. and therefore *Dr. Middleton* rightly takes no notice of this word in his Version. So *Cicero* expresses a general War by *bellum terra marique*, a war by Land and Sea; but never unless when it is as historically *True* of the One as of the Other. Our Author thought fit to imitate him in the Expression, but unluckily chooses to do it when, in all probability, Both parts are *not True*: see Sect. ii. p. 145. Whether this was done with Design, or happened thro' Inadvertency, I will not pretend to determine. perhaps it might be owing to the Latter only. tho' indeed when a Writer sets out with the Intention of *imposing* upon Mankind, we have but little reason to suppose that he will be very *Scrupulous* in a *Circumstance*; or that he will be so *Squeamish* as to stick at *making History* and Facts, suitably to his Purpose or Fancy. That man would be a very Foolish Knave, and inconsistent with himself, who after he had resolv'd to defraud you of your Estate by a *Forged Will* or *Conveyance*, should stick



at procuring *False Witnesses* to back his *Forgery*.

But there is something very remarkable Epist. viii. p. 50. *nec illa modò (praestiti) quae nimirum SOLA ab homine SUNT postulanda, fidem, vigilantiam, patriae caritatem; (ea sunt enim quae nemo est qui non praestare debeat) ego autem ei qui sententiam dicat in principibus de republica, puto etiam PRUDENTIAM esse praestandam: nec me, quum &c.* So the sentence should be distinguished. He says, that *Fidelity, Vigilance, and the Love of one's Country, are the ONLY things that ARE to be required of Man*: and, notwithstanding this, he subjoins it as his opinion, *that he who acts as one of the Leaders in State-Affairs, ought to be answerable for PRUDENCE too.* What, when you said but just before, that *Fidelity, Vigilance, and the Love of one's Country are the ONLY things that are to be required of Man*? Are the Leaders in State-Affairs MORE than MAN, and answerable for MORE than the ONLY things which *are* to be required of Them? Go, forgetful Blunderer, once more read over the places of *Cicero*, from whence you took

took the Sentiment, and learn at least to transcribe good Sense when you have it before your eyes in *Famil. V, 13. praestitimus enim patriae, non minus certe quam debuimus, plus profectò quam est ab animo cujusquam aut consilio hominis postulatum*: and *Philippic. vii, 7. Equidem non deero; monebo, praedicabo, denuntiabo, et testabor Deos hominesque quid sentiam: nec solum fidem meam quod fortasse VIDETUR SATIS esse, sed in principe civi NON EST SATIS; curam, consilium, vigilantiamque, praestabo*. You see how miserably he has mistaken this passage. had he copyed it as he ought to have done, he would not have said, *quae sola ab homine SUNT postulanda*, but just the Contrary, *quae sola ab homine fortasse VIDENTUR postulanda, sed NON SUNT SATIS, fidem, vigilantiam, etc.* see too *Ad Attic. ii, 9.* for out of these passages, but especially out of that in the *vii<sup>th</sup> Philippic*, he has jumbled together these Absurdities. One would think that he had borrowed his manner of Reasoning not from *Cicero*, but from a Brother-Sophist (a Writer of his own pitch of Judgment, tho', upon the whole, of a *Genius* much inferior, in my opinion, to our Let-

ter-Writer) the Author of the Oration *Pro Domo sua* : of which take the following specimen. Cap. lvii, he writes thus : *nam nunc quidem, Pontifices, non solum domo, de qua cognoscitis, sed TOTAM urbem careo, in quam videor restitutus.* for at present, O Priests, I am deprived not only of my House, concerning which you sit as Judges, but of the WHOLE City, to which I seem to be restored. How of the WHOLE City ? The Reason follows : *urbis enim celeberrimae ac maximae PARTES adversum illud, non monumentum, sed vulnus patriae, continentur.* because, the most frequented and chief PARTS of the city are in full view of That (I will not call it Monument, but) Wound of my Country. By the Wound of his Country he means the Edifice which Clodius had built in the place of the Monument of Catulus, and of Cicero's House ; both which he had demolished. But how are the PARTS of the City the WHOLE of it ? and how does it follow, that because the chief PARTS were in sight of Clodius's Building, therefore Cicero was depriv'd of the WHOLE City ? One would have thought, after he had laid down this Position, *TOTA urbe careo*, the Reason given

would



would have run in the same Form and Extent, *TOTA enim urbs* (not *PARTES urbis*) *Monumentum illud adversum contuetur.* which even then would have been a boyish Argument, and unworthy of a tolerable *Disclaimer*, much more of *Cicero*. But let us see whether what follows will clear up this pleasant Reasoning: *quem cum mihi conspectum morte magis vitandum fugiendumque esse videatis; nolite, quaeso, eum, cujus reditu restitutam rempublicam fore putastis, non solum dignitatis ornamentis, sed etiam urbis PARTIBUS velle esse privatum.* now as you are sensible that the sight of this is to be avoided by me more than death; I beseech you do not suffer him, by whose return from banishment you thought the Republic would be restored, to be deprived not only of the ornaments of his Dignity, but also of the PARTS of the City. Of the PARTS again? This is either *Stupidity*, or the Writing and Reasoning of a *Disclaimer in Drink*. it is as if a man should complain that he is deprived of the use of the WHOLE City of *London*, because he cannot bear the sight of the *Royal-Exchange* in *Cornhill*. Keep out of sight of it then, we might say; for there is room enough

besides in the *Whole City of London*: and there was much more in the *Whole City of Rome*. What choice Reasoners are these, and how fit to write *Letters and Orations for Cicero*! But to return to our Author:

Epist. xix. p. 130. *Quamobrem advola, obsecro; atque eam rempublicam, quam VIRTUTE atque ANIMI MAGNITUDE magis quàm EVENTIS RERUM liberaſti, exitu libera.* For which reason, fly to us, I beseech you; and in fact set at liberty That Republic, which you have freed by your VIRTUE and GREATNESS OF MIND, rather than IN REALITY. This is not good Sense; because there is not a right Opposition between *virtue and greatness of mind*, and, *in reality*. You have set free the Republic, says he, by *Virtue and greatness of mind*. Very well: then it is *in reality* set free, is it not? No, says he: You have set it free by *Virtue and greatness of mind*, but *not in reality*. What he would have said, is this: *and in fact set at liberty That Republic which you have freed IN INTENTION rather than IN REALITY: atque eam rempublicam, quam VOLUNTATE* (not *virtute atque animi magnitudine*) *magis quam EVENTIS RERUM liberaſti, exitu libera.*

*libera.* or in another way, *atque eam rempublicam, quam virtute atque animi magnitudine liberare voluisti magis quàm — liberaſti, exitu libera.* What he here calls *eventis rerum*, Cicero expreſſes by *re et eventis*, De Divinat. ii, 47. Concerning the Thing itſelf, ſee Cicero's Letter to Caſſius, Famil. xii, 1. *nam, ut adhuc quidem actum eſt, non regno, ſed rege, liberati videmur. interfecto enim rege, regios omnes nutus tuemur.* And a little lower: *Adhuc (reſpublica) ulta ſuas injurias eſt per vos, interitu tyranni: nihil amplius. ornamenta verò ſua quae recuperavit?* So *Ad Attic.* xiv, 6. *Sublato enim tyranno, tyrannida manere video.* And ſoon after: *contenti Idib. Martiſimus; quae quidem noſtris amicis, divinis viris, aditum ad coelum dederunt; libertatem populo Romano non dederunt.* Brutus and the other Conſpirators intended to ſet at Liberty the Republic: but in reality and event it had not yet proved ſo. This is what our Author would or ſhould have ſaid. With the ſame unſkilfulneſs the Author of the Oration *Ad Quirites poſt reditum* cap. iv. oppoſes *ſpiritu* and *re*, where he is ſpeaking of *Atilius* the Tribune, who oppoſ'd the motion that was made in the Senate



Senate by the Consul *Lentulus*, concerning the recalling *Cicero* from Banishment: *cum is inimicus, qui ad meam perniciem vocem suam communibus hostibus praeberet, SPIRITU duntaxat viveret, RE quidem infra omnes mortuos amandatus esset*. Instead of *spiritu*, *Cicero*, or any other good Writer, would have put *nomine*, or *verbo*, or *specie*; to which *re* would be rightly opposed. for *spiritu vivere* is in effect *re vivere*, and is as much as can be said of any living man whatever. The meaning of the passage should be, *in NAME, OR SHEW, OR APPEARANCE he was alive: in REALITY, he was more than dead*. The expression, *infra omnes mortuos amandatus esset*, is borrowed out of the Oration pro *P. Quintio* cap. xv. where *Cicero* judiciously thought fit to temper the harshness of the Phrase and the boldness of the Thought: *is non modo ex numero vivorum exturbatur, sed, SI FIERI POTEST, infra etiam mortuos amandatur*. as if he had said, If there were any such thing as *Degrees* in Death, and if it were possible that one dead man could be more dead than another, the person he is there speaking of would be placed in the lowest class, and beneath those who were

no more than *simply* dead. But this gallant Adventurer in Oratory, roundly and without any *qualifying clause* asserts, that *Atilius* at that time was *in reality* more dead than any dead man; and at the same time allows that he did *spiritu vivere*, that is, *was as much alive as any man living*. which is too violent in all conscience. Mr. *Hottoman* perceiv'd the Absurdity, and endeavour'd to remove it. but his Explanation leaves it just where it was.

Epist. xx. p. 138. *Quare omni studio a te, mi Brute, contendo, ut Ciceronem meum ne dimittas, tecumque adducas: QUOD IPSUM, si rempublicam, cui susceptus es, respicis, tibi jam jamque faciendum est. Wherefore I beg of you, my Brutus, with the greatest earnestness, that you would not dismiss my Son, but bring him with you: WHICH very THING, (namely, the bringing my Son with you) if you have any regard to the Republic, ——— must be done by you instantly.* This is the natural Connexion and Interpretation of the Words: and any one would hence conclude that *Cicero* says, That the Safety of the Republic depended upon *Brutus's* bringing young *Cicero* with him into Italy. and yet he meant nothing like it: only according

cording to his custom of mistaking, he has put one Proposition instead of another, *tecumque adducas*, instead of, *et ipse venias*. The seeming occasion of which Blunder is ridiculous enough. He knew that if *Brutus* brought young *Cicero* WITH HIM, *Brutus* must needs *come himself*: and therefore, since the *Thing* was the same, it was all one how it was *Expressed*, whether by *et ipse venias*, or by *tecumque adducas*; \* not considering what he immediately subjoins, *quod ipsum*: which words, if referr'd to

\* *Not considering what he immediately subjoins.*] Which was the case in the Oration *De Haruspicum Responsis*, cap. xxvi. where one of the *Answers* of the *Haruspices* was, That care ought to be taken, *ne OCCULTIS consiliis respublica laedatur*: that the *Commonwealth* may not be hurt by *SECRET* designs. This was very well, if it had ended so. But see how the *Declaimer*, whose business it was to turn all the *Answers* of the *Haruspices* against *Clodius*, interprets it: *Quae (consilia) sunt OCCULTIORA, quàm ejus, (sc. Clodii,) qui IN CONCIONE ausus est dicere, justitium edici oportere, jurisdictionem intermittere, claudiaerarium, judicia tolli? What designs are MORE SECRET, than those of Clodius, who in a PUBLIC ASSEMBLY had the assurance to say, That a justitium or Non-Term ought to be ordered by an Edict, etc.* I should be glad to be inform'd, how *designs*, which are mentioned openly in a *concio* or public assembly of the



to *tecumque Ciceronem meum adducas*, evidently make the Safety of the State depend upon young *Cicero's* BEING BROUGHT; which would have been a most Vain and Foolish thing, as well as False, for *Cicero* the Father to have said. But if the words *quod ipsum* had been referr'd to *et ipse venias*, they would have put the Safety of the Republic upon *Brutus's* COMING :

*the people*, can be said to be *occulta*, *secret* or *hidden* ones; or how such designs, so mentioned, can be compar'd with others, so as to be *occultiora*, MORE *hidden* than those others? The Blunder was owing to this: When the Declaimer forg'd the Answer of the *Haruspices*, instead of *occultis* he ought to have put *scelestis*, or something to that purpose: *Monent enim iidem* (Dii), NE SCELESTIS CONSILIIIS RESPUBLICA LAEDATUR. and then his manner of commenting upon it would have been right: *Quae sunt SCELESTIORA, quam ejus, qui IN CONCIONE ausus est dicere*, etc. For those designs, which *Clodius* there mentioned *openly* and in an *assembly of the people*, might be *scelesti*, *wicked* ones; but it is impossible that they could be *occulta*, *secret* or *hidden* ones. With such Improperities as this, does That Oration abound. and yet in all probability it was written very soon after the time of *Cicero*. But this will not seem strange to those who are acquainted with the state and condition of the *Latin Eloquence* and *Oratory* immediately after the death of the great Perfecter of it.

which

which is what the Author meant. So Famil. xii, 18. *Nibil mihi tam deesse scito, quàm quicum haec familiariter doctæque rideam. is tu eris, si quam primum VENERIS. QUOD ut FACIAS, non meâ solum, sed etiam tuâ, interesse arbitror.*

Epist. xxii. p. 174. *At vide, quanto diligentius homines metuant quam meminerint, quia Antonius vivat, atque in armis sit. De Caesare verò, quod fieri potuit ac debuit, transactum est, neque jam revocari in integrum potest.* If you or I had made use of the expression *diligenter metuere*, we ought not to have taken it ill if any body had call'd it *Nonsense*. for the Adverb *diligenter* can never, consistently with common Sense, be join'd to any Verb which does not imply something that is in our own power, or which depends upon our care; as *diligenter scribere, curare, mittere, cogitare, meminisse*, and a thousand others, which express such Actions, whether of the Body or Mind, as we can either perform or omit. but *diligenter metuere*, to fear diligently, is as Absurd as if you were to say *diligenter pallere, tremere, or aegrotare*; to TURN PALE *diligently*, to TREMBLE, or to BE SICK *diligently*. The Adverb *magis*

gis would have suited the purpose here. Cicero Famil. xvi, 17. reproves Tiro for a seemingly much smaller Impropriety: *Sed heus tu, qui πᾶν ἐσσε meorum scriptorum soles, unde illud tam ἀνυπερ, valetudini fideliter inserviando? unde in istum locum FIDELITER venit?* But this by the By; for my business here is chiefly with the Sentiment: But see how much more [diligently] men fear than they remember, because Antony is alive, and in arms. If Antony had here been said to have been dead, or not in arms, the sentence would have been just as intelligible as it is at present, if this be the Whole of it: unless some person of a very clear Head can make it appear, how Antony's being alive, and in arms, is a Proof that men's Fears are stronger or greater than their Memories. But the words which follow, *De Caesare verò*, seem to shew that there is some Relation between them and the foregoing sentence, and an Opposition or Comparison of Caesar to Antony; and that the place should be distinguished thus: *At vide quanto diligentius homines metuant quam meminertint; quia Antonius vivat atque in armis sit, de Caesare verò, quod fieri potuit ac debuit,*



*debut, transactum est, neque jam revocari in integrum potest.* And now let us try if through the Confusion and Jumble of his Composition we can get at his meaning; which seems to have been this: *At vide quanto magis homines metuant quia Antonius vivat atque in armis sit, quàm meminerint Caesaris; de quo, quod fieri potuit ac debuit, a nobis transactum est, neque jam revocari in integrum potest.* This is connected with what goes immediately before, where he had said, “ That if *Octavius* was thought  
 “ worthy of such Honours, because he  
 “ made war upon *Antony*; the *Roman*  
 “ People, do what they would, could never sufficiently requite *him* (*Brutus*) and  
 “ his Associates, who had taken off *Caesar*, the great *Evil*, of which *Antony*  
 “ was only the pityful *Reliques*. But see,  
 “ continues he, how soon the greatest  
 “ Public Benefits are forgotten! Peoples  
 “ present FEARS because *Antony* (the contemptible Ape of *Caesar*’s Tyranny) is  
 “ alive and in arms, have got the better  
 “ of their MEMORIES, and caus’d them  
 “ to forget both *Caesar* and Those who  
 “ for ever set them free from the Tyranny of *Caesar*.” This I guess to have  
 been

been his meaning, from the traces of his improper Language and disjointed Composition, but by what Rules of Reasoning or Construction, this, or any other coherent and rational Sense can be fetch'd out of the Words as they stand at present, I confess I do not apprehend :

No more than I do this, in the same Epistle, p. 178. *Idem Cicero, si flexerit adversus alios judicium suum, quod tanta firmitate ac magnitudine direxit in exturbando Antonio, non modò reliqui temporis gloriam eripuerit sibi, sed etiam praeterita evanescere coget. Nihil enim per se amplum est, nisi in quo judicii ratio extat. Quia neminem magis decet, quam te, rempublicam amare, libertatisque defensorem esse, vel ingenio et rebus gestis, vel studio atque efflagitatione omnium.* The Language of the former part of this passage I have taken notice of above, p. 41. As to the rest of it, we may apply to it that which Cicero humourously says concerning Rullus the Tribune's Oration, De Leg. Agrar. ii, 5. *explicat orationem—verbis valde bonis. unum erat, quod mihi vitiosum videbatur, quòd—inveniri nemo potuit qui intelligere posset quid diceret.* which seems to be the case here. for it is hard to guess from the

Words what it is that he is aiming at. Whenever we meet with the rational, *enim*, as here, *Nihil ENIM per se amplum est* etc. it is generally supposed that Something which went before is to be *proved* or *explained*, by giving a *Reason* why we said it. Now *What* that is, or *How*, and by what *Medium* it is proved, is the present difficulty. Then the word *Quia*, *Because*, put in the beginning of a Sentence, without *ideo*, *therefore*, either expressed or understood, to answer to it in the *Reddition* or Clause of the Sentence, I am certain is not to be found in any Author except This, or some other of the same Size. But this last difficulty may perhaps be removed by a different pointing, thus:—*sed etiam praeterita evanescere coget, (nihil enim per se amplum est, nisi in quo judicii ratio extat) quia neminem magis decet, quàm te*, etc. which will restore some appearance of Connexion and Reasoning. But what may be the design of the intermediate Sentence, *Nihil ENIM per se* etc. whether taken in a parenthesis or out of it, I willingly leave to better *Logicians* to explain. for if there be any Connexion between it and what goes before, it is more subtle than I am aware of. tho' I know



know that an ordinary *Reasoner*, and Writer of Antient and True Latin and Sense, would have said something like this,—*sed etiam praeterita evanescere coget, (nihil enim amplum est nisi cui aequabilitatis ratio constat) quia neminem magis decet, quàm te, etc.*

There is such another passage in the same Epistle, p. 166, as faulty in the Distinction, and seemingly more so in the Reasoning: because the last I have been speaking of, is only Unintelligible; but this I am about to mention, seems to be Absurd: *Ego, medius fidius, non existimo tam omnes Deos aversos esse a salute populi Romani, ut Octavius orandus sit pro salute cujusquam civis; non dicam pro liberatoribus orbis terrarum. Juvat enim magnifice loqui; et certe decet, adversus ignorantes quid pro quoque timendum, aut a quoque petendum sit. Hoc tu, Cicero, posse fateris Octavium, et illi amicus es?* The sentence, *Juvat enim—petendum sit*, ought to be plac'd in a parenthesis: otherwise, the Dependence and Connexion between what goes before it, and what comes after it, will be broken. The only design of the parenthesis is, to explain or give a Reason (as appears from *enim*) why he call'd himself and his Associates *liberatores orbis terra-*

*rum*; and to let *Cicero* know that he glories in the Name, and makes use of it with pleasure, and to choose: which he intends as a Reproach to *Cicero* for his tame Submission to *Octavius's* power. But I cannot tell in what light better Masters of Argument will look upon this Reasoning, *I will NOT CALL my self a Deliverer of the world*; FOR *it is a pleasure to me to talk thus magnificently* etc. that is, he first DENIES that he will call himself so, and excludes himself from making use of that Title; and immediately gives a Reason which stands for Nothing unless he DOES call himself so. as if he had said: *I will NOT CALL my self a Deliverer of the World*; FOR *I take a pride IN CALLING my self so*. it seems to me no better than an Absurdity or Contradiction. Instead of *non dicam* he should have said *nedum*, much less: and I should think that a more correct Writer would have put the Whole thus: —*ut Octavius orandus sit pro salute cujusquam civis, nedum pro liberatoribus (juvat enim magnifice loqui; et certe decet, adversus ignorantes quid pro quoque timendum, aut a quoque petendum sit) orbis terrarum. Hoc tu, Cicero, posse fateris Octavium, et illi amicus es?*

I shall conclude this Section, after having brought two or three more Instances of our Author's Manner of using this Particle *enim*. for there is nothing that shews a skilful and good Writer, or discovers a bad one sooner than this single Word. We need not go further for an Example than the beginning of this famous Epistle I was last speaking of, p. 164. *Studium tuum curaue de salute mea, nulla me NOVA voluptate affectit.* Your zeal and concern for my safety gave me no NEW pleasure. Why no NEW pleasure? The Reason follows: *non solum ENIM usitatum, sed etiam QUOTIDIANUM est aliquid audire* etc. Because it is not only my usual, but also my DAILY custom to hear of something or other which you have said or done faithfully and honourably in support of— of what? of IT; that is my safety: for that was in the premisses, and was the Subject of the Proposition to be prov'd. but in the Conclusion of his Proof, he has chang'd the Terms, and instead of *Safety* has slipt in *Dignity*. *non solum enim usitatum, sed etiam quotidianum est, aliquid audire de te, quod pro nostra DIGNITATE* (instead of, *quod pro EA*, scil. *salute*) *fideliter atque honorifice dixeris aut feceris.* This is skipping



from the *Genus* to the *Species*. for *salus* contains a great deal more than *dignitas*, which is only a *part* of the former, and concerns chiefly a man's *honour* and *authority*, and the *respect* and *esteem* which is due to him, from others: see *Cicero De Inv. Rhet. ii, 55*. But *salus* comprehends all this, and much more; namely, a man's *Life, Estate, Welfare of his Family*, etc. And accordingly they are always distinguished as the *greater* and the *less*. *Cicero pro Cn. Plancio c. 32. ullum (putas) esse tantum periculum, tantum laborem, tantam contentionem, quam ego non modò pro SALUTE tua, sed etiam pro DIGNITATE defugerem? Philippic vii, 2. non modò SALUTIS, sed etiam DIGNITATIS meae fuisse fautorem. Orat. pro Domo sua, c. 28. nullum est in hac urbe collegium, nulli pagani aut \*montani — qui non amplissime non modo de SALUTE mea, sed etiam de DIGNITATE decreverint. Ad Famil. i, 9. tibi erit eadem, cui SALUS mea fuit, etiam DIGNITAS curae.* I omit to transcribe more Instances, which are innume-

\* *montani*] Who these *montani* were, who in *Cicero's* time are here reckoned as part of the *plebs urbana*, perhaps no body but the Author of this Oration will ever know. This passage seems to have startled

rable

table in Cicero and other Writers. these are sufficient to show the False Reasoning of our Author, whose Argument runs thus: *Your concern for my GREATER interest gave me no new pleasure, because I daily bear of your concern for—— my LESS.* Change the places of the two Terms, and put *dignitate* in the first part of the Sentence, and *salute* in the last; and it will make a much truer Argument. but as it stands at present, he might as well have written, *non solum enim QUOTIDIANUM, sed etiam USITATUM est, aliquid audire*, etc. It is like to that of Epist. xix. p. 132. *sed ita multi LABEFACIANT, ut, ne MOVEATUR, interdum extimescam*: which I took notice of above, in the First Section, p. 49

Again, in the same Epistle, p. 178. *Fateor ENIM duriores esse conditiones* etc. But first it will be necessary to see the foregoing Sentence: *Fortem et liberum animum, quo et consul, et nunc consularis, rempublicam vindicasti, sine constantia et aequabilitate nullum esse putaris.* *Fateor ENIM duriores*

*Graevius*, part of whose Note upon it is this: *qui illorum [montanorum] meminerit, praeter Tullium hoc in loco, non invenio; nec satis causae video, cur illi praecipue commemorentur. Ampliandum itaque censeo.*

*esse conditionem spectatae virtutis, quam incognitae.* His Proposition is, That *there is no such thing as a Brave and Free Mind, without Constancy and Equability.* Why? BECAUSE, says he, *I confess that the case of tryed Virtue is harder than that of untryed.* Is this a Proof of the foregoing Proposition? It is as much a Proof of *Transubstantiation.* An Older writer would have said, *Fateor QUIDEM, or Fateor AUTEM.*

But the most extraordinary of this kind is Epist. ix. p. 34. where *Cicero* says to *Brutus*: *Nostrae res meliore loco videbantur: scripta ENIM ad te certò scio quae gesta sunt.* The words seem to be taken from a passage in *Famil. xii, 9. non satis occurrit quod scribam; nostras ENIM res in actis perferri ad te certò scio.* But our Author has forgot to imitate *Cicero* in the chief thing, the Reasoning. For *Cicero* there tells *Cassius*, That he has no news to send him. Why so? *Because,* says he, *I know for certain that you have already had an account of all our public Affairs sent you in the Journals or Acts of the Senate.* This is rational and coherent. So again in a Letter to *D. Brutus*, *Famil. xi, 25. — quid scriberem non habebam; acta ENIM ad te mitti sciebam.* But this Author has



has dropt the Proposition, *of which the Reason* was to be given, and has retain'd the bare Reason, without any Proposition at all. Cicero De Divinat. i, 54. has this sentence: *Permulta collecta sunt ab Antipatro, quae mirabiliter a Socrate divinata sunt: quae praetermittam; tibi ENIM nota sunt, mihi ad commemorandum non necessaria.* If here you omitt the words *quae praetermittam*, you will make Cicero argue exactly in the same absurd manner as this Writer does. On the other hand, insert those two words into the passage of the Epistle, *Nostrae res meliore loco videbantur: quas praetermittam; scripta ENIM ad te certò scio quae gesta sunt:* and the Argumentation will be as just as any in the real Cicero.

And now it is time that I take leave of this Author: and I think it may safely be left to the Judgment of any Indifferent person, who is acquainted with the Writings of Cicero, or the Characters of *Him* and *Brutus*, to determine whether it seems possible or credible, that those great Men could Reason or Think so weakly as they do in the Instances here produc'd, and in several others which might be produc'd, out of these Epistles. If any one is of opinion that they  
could

could, it is but a Reasonable Request, that he would either bring an equal number of Examples out of an equal number of *Cicero's* other genuine Epistles; or, that he would explain those here brought, and show that they are free from the Improperities objected to them.

There remain Two things which I might have done, had I not already extended this Piece to too great a Length. The *First* is, To take two or three of these Epistles, and to show out of *Cicero's* Writings the many passages from whence this Author has tacitly borrowed his Thoughts and Expressions; in order to prove the truth of what I said in the beginning of this work, That *at least one Half* of the Matter and Language of these Epistles was taken from *Cicero*. The *Second* is, To do justice to our Author where it was due to him, and to vindicate him from the charge of *Bad* or *Dubious* Latin in some Instances which Learned men have objected to him. But perhaps neither of these is necessary: and, to speak the truth, I am not unwilling to be excus'd having any thing more to do with this Author. I am, Sir,

*Your most Obedient,*

*Humble Servant,*

J. M.

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A  
DISSERTATION  
UPON  
FOUR ORATIONS

ASCRIBED TO

*M. T. CICERO;*

VIZ.

- |  |  |
|--|--|
| I. <i>Ad Quirites post<br/>reditum.</i>  | III. <i>Pro Domo sua, ad<br/>Pontifices.</i> |
| II. <i>Post reditum in Se-<br/>natu.</i> | IV. <i>De Haruspicum<br/>Responsis.</i>      |
-



DISSEMINATION

FOUR ORATIONS

ASSEMBLED TO

M. T. CICERO

III. Pro Domitia, &c.

I. De Senectute, &c.

IV. De Hortensio, &c.

II. De Officiis, &c.

Adversus

Verum

THE END

Printed by

## DISSERTATION

UPON

FOUR ORATIONS, *etc.*

IT may reasonably be expected that I should say something more either in Defence or Explication of the notion which I have advanced in the foregoing Sheets, and in which I believe I am hitherto Singular, concerning the *Four Orations* ascribed to *Cicero*, and always published with the rest of his Works in this Order, 1. *Ad Quirites post reditum*: 2. *Post reditum in Senatu*: 3. *Pro domo sua, ad Pontifices*: 4. *De Haruspicum responsis*: of which I have spoken very freely, as looking upon them to be *Spurious*, after so many men of infinitely more Learning, for so many Ages, have not only passed no such Censure upon them, but on the other hand, several of the First Rank in Letters have written very Learned Commentaries upon them as the *genuine Works of Cicero*, without declaring any

any Suspicion to the contrary. nay, and what is more considerable, *Asconius Pedianus*, who is thought to have lived in the time of *Augustus*, or not long after, has quoted a passage out of one of them, *De Haruspicum responsis*, which I take to be as bad a Piece as any, if not the worst, of the Four: and *Quintilian* perhaps alludes to another passage still extant in the same Oration. There is likewise a Third, which is found almost word for word in *Val. Maximus*; and a Fourth in *Arnobius*: all taken out of this same Piece of *Cicero*, as it is supposed: and *Amianus Marcellinus* is thought to quote or allude to another in the First of the above-mentioned Orations. These may seem to be strong Appearances against my opinion, and may perhaps for a while occasion some Out-cry against it, and some Censure upon the Author of it. and yet I am persuaded that Truth and Reality will at last be found on my Side.

I have already incidentally mentioned only a Few Instances of what appeared to me to be Mistakes in those Orations. Had I thought of it before it was too late, I would have produced a larger Number, an-



swerable to those in the *Epistles of Cicero to Brutus*, etc. and would have ranged them under each of the three Heads, *Language*, *History* or Facts, and *Reasoning* or Sentiments: by which means I might have executed two Designs in one and the same Piece, and might perhaps have saved myself any further trouble upon this account, unless somebody should have thought fit to undertake the Defence of the Orations; which I am of opinion cannot be done, except by one who will maintain, That we are obliged to receive as *genuine* whatever is quoted *as such* by an Antient Writer, be it ever so contrary to the known Use of the *Latin Tongue*, to Authentic and Undoubted *History*, and to *Just Sentiments* and True Eloquence founded upon Reason and Good Sense, and agreed to by all those who are generally esteemed Judges in these matters. If there be any person who is hardy enough to defend the abovementioned Position, what I have to say does not concern him: he is still at Liberty to enjoy these Four Orations as *Cicero's*, without Controversy; and much good may they do him. But to those who are willing to admit of Reasonable Doubt, and who have some Skill

Skill and Use in the *Latin* Tongue, and some Discernment in the Writings of the Antients, particularly in those of *Cicero*, I would recommend the consideration of the Few passages I have already mentioned, and the Few others I am about to mention : all which together will make no great part of what I think exceptionable in those Pieces.

Now if the frequent and attentive Reading of any Author's Works will enable a man (as it certainly will) to arrive at some degree of Discernment between the Writings of That Author and those of Another ; I do not in the least doubt but that any person who is conversant in *Cicero's* Works, and reads them with some Taste and Pleasure, if he would sit down to these Four Orations with the same freedom from all Prepossession as if he had never heard, and were to guess, who was the Author of them ; would very soon perceive, that whose soever they are, they cannot be *Cicero's* ; and that there is as great a Difference between These and any of *Cicero's* undoubtedly *genuine* Pieces, as there is between a person in full *Health* and *Vigour*, and another who is struck with a Fit of the *Palsy*. I say, *with freedom from*  
all

*all Prepossession*, because this is the First Step, and the most Necessary, as well as the most Difficult, to be got over. For if a man who is well vers'd in *Cicero*, reads the Oration, for example, *Post reditum in Senatu*, and there meets with this Specimen of *Ciceronian Eloquence* cap. vii. *Luci Piso, tune ausus esisto oculo, non dicam, isto animo; ista fronte, non vita; tanto supercilio, non enim possum dicere, tantis rebus gestis; cum Aulo Gabinio consociare consilia pestis meae?* O *Lucius Piso*, had you the assurance with that Eye, I will not say, with that Mind; with such a Forehead, I will not say, with such a Life; with so great an Eye-brow, <sup>a</sup> for I cannot say, with so great Actions; had you

<sup>a</sup> I take *supercilium* in the Proper, not Metaphorical signification of the Word, because it seems to be so used in the Passage of *Cicero* from which this is taken, pro *P. Sextio* cap. viii. where *Piso's Eye, Forehead, and Eye-brow*, are mentioned together, as here: *tanta erat gravitas in OCULO, tanta contractio FRONTIS, ut illo SUPERCILIO respublica, tanquam Atlante caelum, niti videretur.* and in *Pison.* cap. vi. *respondes, altero ad frontem sublato, altero ad mentum depresso supercilio, Crudelitatem tibi non placere.* See the same Orat. cap. i. where he puts it in the Plural: *oculi, supercilia, frons, vultus denique*



you the assurance to unite with *Aulus Gabinius* in designing my destruction? Or these two aukward Similitudes *De Harusp. Responsf.* cap. xxvii. where he his speaking of *Clodius's* Unnatural Abuse of Himself: *Quis minus unquam pepercit hostium castris, quàm ille omnibus corporis sui partibus? Who ever show'd less mercy to the Camp of an Enemy, than He has done to every part of his own Body?* and the Comparison which immediately follows: *Quae navis<sup>b</sup> unquam*

*que totus— in fraudem homines impulit.* This *L. Piso* seems to have had some remarkable Blemish in one of his Eyes, as *Manutius* gathered from the *Orat. in Pison.* cap. iv. *Sex. Clodium— non modò facie, sed etiam OCULO tuo, dignissimum.* These Defects, even when they were Natural, were the allowed Subjects of Raillery to the Orators in *Cicero's* time, as appears from *De Orator.* lib. ii.

<sup>b</sup> This SHIP in a public river, signifies a passage-boat, or ferry boat. By *aetas* he probably meant youth; which *Cicero* calls *flos aetatis*, and *florens aetas*, and the Poets frequently *bona aetas*; as *Old age* on the contrary *mala aetas*: See the the Notes upon *Statius Silvar.* i, 4: 7. ed. Lond 1728. But I have not met with any instance of the Simple word in that signification. *Gasp. Scioppius* indeed, *Verisimil.* ii, 20. says that *aetas*, by itself, signifies *adolescèntia*. but none of the Three instances he brings, out of *Afranius*, *Horace*, and *Propertius*, prove it.

*in flumine publico tam vulgata omnibus, quàm istius aetas, fuit? What Ship in a public river was ever so common to all, as his whole life has been?* Or this strange piece of Nonsense cap. xvii. of the same Oration: *An tibi luminis obesset caecitas plus quàm libidinis? Would blindness of Light do you more harm than blindness of Lust?* if, I say, such a Reader meets with these ridiculous sentences, and considers them, and judges of them at all; leave him to himself, and it is impossible but he must conclude them to be so very unlike and so much inferior to *Cicero*, that even a School-Boy of Good Sense and Parts would now be ashamed to own such silly and unnatural Stuff, in whatever Age, Author, or Language he should have found it originally written. But if it chance to occur to the aforesaid Reader, that these passages, and innumerable others of the same Insipidity and Affectation, which he could not help observing in those Four Orations, have pass'd uncensured through the Hands and Revival (and consequently, he may think, through the strict Examination and Approbation) of so many men of much more Learning than Himself, *Manutius*, *Lam-*

bin, Hottoman, Gruter, Graevius, etc; this unlucky Thought will perhaps overbear every private Suspicion, and make him give up and forego what was Evident to him before: and then the Authority of *Names* will have got the better of the Authority of *Reason* and *Common Sense*, (a thing which happens to us every day, even to Those who have made some considerable Progress in any part of Knowledge) and he will have forgot, or will not consider, that these very Persons *summi quidem fuerunt*, HOMINES TAMEN; and that, in all probability, they saw and were sensible of the Objections to these Passages as well as He, and yet seemingly made themselves easy and got over them, *either* in the same manner he does, by shifting off the difficulty from Themselves, and resting it upon the Authority of other Learned Men who went before Them, and who never had signified any Suspicion in the case: *or*, by contenting themselves with the Titles and Inscriptions of MSS, which ascribe these Orations to *Cicero*: *or*, lastly, by acquiescing in the Testimony of an Antient Author, who has quoted one of them as *Cicero's* Writing. As if *Men* might not be mistaken in one

Age



Age as well as in another! Or as if Non-sense and Bad Writing were ever *the less* such, because found in Copies written perhaps Seven or Eight Hundred years ago with *Cicero's* Name prefix'd to them! Or as if the Authority of any Man, or Number of Men, Antient or Modern, were sufficient to persuade us, either that *Cicero* is a very *dull* and *mean* Writer, *low* and *streightned* in his *Invention*, and *ignorant* or *affected* in his *Expression*; or that the Author of these Orations is not such an one! For my own part, I think we cannot be more certain of any thing, than that the same person who compos'd the Orations for *Milo*, *M. Coelius*, *Muraena*, *P. Sulla*, *Cn. Plancius*, *etc.* was not capable of writing four such Sentences as those I have just now mentioned, which are taken from among a great number of the same Vitiated Taste. If *Cicero* himself had any where in his Works quoted and recommended these Passages as Examples of Just Sentiments and Fine Writing; is there any Modern of Common Understanding so much a Slave to the Authority even of *Cicero*, as to make him this concession? I believe not. For Good Sense and True Eloquence being

much what the same at all Times and in all Places, Mankind at present are surely in some measure Judges of These, tho' perhaps not so competent ones as the Antients were. but if these Instances are *Good Writing*, I think it will either be impossible for us Moderns to say what is *Bad*; or, we must invert the Rules of Judging, and fetch our Instances of *Bad writing* from the Works of *Cicero*, as being the very Reverse of these Four Orations.

I could wish therefore that those who are masters of some knowledge in the Antient *Latin* Writers, but more especially in *Cicero*, would upon this hint read over attentively (if they think it worth while, and have Patience to do it) these Orations, after having prepared themselves by reading some of those which are undoubtedly *Cicero's*; and for the Experiment's sake would observe, whether they do not find themselves affected in the same manner a person of any discernment would be, who should pass immediately from the Writings of Archbishop *Tillotson* to those of *John Bunyan*, or from the *Essay on MAN* to the *Emblems of Francis Quarles*. For tho' much the greatest part of the Three first of these  
Pieces

Pieces, and a considerable part of the Fourth, are *Cicero's* own Thoughts and Expressions, taken chiefly out of the Orations *pro P. Sextio* and *in L. Pisonem*; yet, through the Author's Unskilfulness, or want of *Genius*, they seem to be so awkwardly put together, and so intermixt with Something of *his own*, as to render the Performance, upon the whole, very low and insipid, and very unequal to any of *Cicero's* genuine Compositions. But herein I only speak my own Opinion, with that Liberty to which every man has a Right at his own Peril, and without the least desire of prepossessing, or prescribing to, the Judgement of others; a Liberty to which no man has any Right, nor indeed any Power to effect it, if he has to deal with good Judges; who know very well, that, as on the one hand, the Authority and Opinion of no man whatsoever in these matters ought to go a single step further than *Satisfactory Reasons* go along with him; so, on the other, a strong Objection, and sound Argument, accidentally hit upon by a Person of the lowest Parts and meanest attainments in Learning, does in reality, until it be answered, outweigh the *bare and unsupported Opinion*



of all the *Scaligers*, *Casaubons*, *Salmasius's*, and other great Critics, that ever liv'd. Grant but this (or deny it who can) and I desire no more.

But be pleas'd to observe, that I do not deny these Orations to be Antient: on the Contrary, I believe they were written not many years after *Cicero*. and therefore I do not reject their Authority in *Matters of Fact*, unless when they are contradicted by *Cicero* himself and other good Authorities, which is frequently the case; nor in point of *Language* and *Sentiment*, unless where the Mistakes are pretty certain, agreed in by all the MSS, and such as might be expected from the Character of the *Declaimers* of that Age, of whose *Ignorance*, *Slothfulness*, *Affectation*, and *corrupted Taste*, (notwithstanding they might live in the days of *Augustus*) we have several unquestionable Testimonies from Writers who liv'd *in* and *near* That Time. But who might be the Author of these Orations, I do not pretend to say or to conjecture, not finding any Marks in them which may enable me with any Probability to fix them upon any Particular Person. nor is it my Concern. All I contend for is, That they were not written

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ten by *Cicero*. tho' indeed from several Circumstances in them there seems to me good reason to believe, that they were not written even by an *Inhabitant of Rome*, but by a *Foreign or Provincial Author*. As I go along I will mention some of the passages which cause me to be of this opinion.

The Order of them in the Editions, is, 1. *Ad Quirites post reditum*. 2. *Post reditum in Senatu*. 3. *Pro Domo sua ad Pontifices*. 4. *De Haruspicum Responsis*. But *Manutius* and *Hottoman* have well observ'd, and the observation is confirm'd by good MSS, that the two first ought to change places; because *Cicero* must of course give thanks to the *Senate* first, and afterwards to the *People*: and \**Dio* affirms that he did so.

The Plan of the Three first is manifestly form'd upon the noble Oration *pro P. Sextio*, which contains *Cicero's Apology* for his *Political Conduct* in the Affair of *P. Clodius* and his own going into *Exile*: and there is scarce a good Sentiment or Expression in

\* Lib. xxxix. p. 95. edit. *Leunclav.* of *Xylander's* Version: *Reversus igitur est Romam Cicero; factaque sibi a consulibus potestate, SENATUI in curia, POPULOQUE in concione, gratias egit.*

any of those Three, which is not to be found in That Oration, or in That *in L. Pisonem*; except a few passages here and there which are taken from three or four of *Cicero's* other Orations, or Writings which relate chiefly to the same Subject. And here it is worth while to observe the fundamental Injudiciousness of the Disclaimer. For those Three Orations are suppos'd to have been spoken by *Cicero* within less than a Month after his Return from Banishment, in the September of the Year U. C. 696. But the Oration for *P. Sextius*, in which, as I said, the Three are in great measure to be found, was not spoken till the year *after*, viz. U. C. 697. So that when *Cicero* says, *pro P. Sextio c. xvi. exponam enim HODIERNO DIE, judices, omnem rationem facti et consilii mei*, (which looks as if he had not *hitherto* done it *publicly*) his Hearers could have told him, That he might save himself the trouble; for that they knew it perfectly well, he having already told them the same story *three* times in the *foregoing* year, if he was the Author of those Three Orations. Either therefore *Cicero* must borrow the Three Orations, spoken in the year 696,  
from



from That *pro Sextio*, not spoken till 697; which is *impossible* in nature: or else he must take the Oration *pro Sextio* from the Three which were spoken, and in all likelihood *published* (at least \* *Two* of them) the year before: than which nothing can be more *improbable* that *Cicero* would do. The truth is, the Declaimer here was too inadvertent, in borrowing the *Matter* for his Orations adapted to *one particular* Year, from an Oration which could not be thought of till *the year following*. which is the same Inconsistency or Impossibility as it would be for me to take these Remarks in this present year 1744, from the Treatise of another Person, which Treatise is not yet in being, nor will be, till the year 1745.

The first and most obvious Failure, and that which runs through all these Orations, is, if I may be allow'd the expression, *Weakness of Nerves*. In the true *Cicero* you will seldom meet with a Single Word which is Superfluous, and does not contri-

\* Viz. *Post reditum in Senatu*, and *Pro Domo sua*. concerning the former, see the Orat. *pro Cu. Plancio* cap. xxx: concerning the latter, *Ad Attic.* Lib. iv, Epist. 2.

bute to the main Design, either in the way of *Strength* or of *Beauty*, of Argument or Ornament. Even when he is playing the Orator, and endeavouring to throw a little of his Sophistical Dust into your Eyes, tho you plainly see what he is driving at, you cannot help being pleas'd with the Liveliness of his Tricks, and loving his Ingenuity. But, on the contrary, in this Writer you will find but few Sentences which have not several Words, and few Chapters which have not several Sentences, concerning which an Attentive and Sensible Reader might not be tempted to ask, *What business have they here?* He seems frequently to prate without any apparent Design or Meaning, and as those do who talk merely *for talking sake*. This is that *feeble, enervate, and unstable* manner of Writing which the *Auctor ad Herennium* very well calls the FLUCTUANS et DISSOLUTUM genus, the WAVERING and LOOSE kind. His words may be worth transcribing, Lib. iv. cap. xi. *Qui in mediocre genus orationis profecti sunt, si pervenire eò non poterunt, errantes perveniunt ad confine genus ejus generis quod appellamus FLUCTUANS et DISSOLUTUM, eo quod sine nervis et articulis fluctuat huc et illuc, nec potest confirmate*

*firmate neque viriliter sese expedire.* He then adds an Instance of it: *Id est hujusmodi: "Socii nostri, cum belligerare nobiscum cum vellent, profectò ratiocinati essent etiam atque etiam, quid possent facere, siquidem sua sponte facerent, et non haberent hic adjutores multos, et malos homines et audaces. solent enim diu cogitare omnes qui magna negotia volunt agere."* He immediately subjoins: *Non potest hujusmodi sermo tenere attentum auditorem: diffluit enim totus, neque quidquam comprehendens perfectis verbis amplectitur.* The truth of this last Remark is no where more strongly or more frequently seen than in these Orations; to get through which without being attack'd by Drowziness, requires a Reader of a very Wakeful Constitution: and to produce all the Instances of the *wavering* Eloquence which are to be found in them, would be little less than to transcribe the whole Work. I cannot forbear mentioning One, as an illustration or parallel of the Instance just now quoted by the *Auctor ad Herennium*. It is in the *Orat. pro Domo sua* cap. xiv. where he is speaking of young *Fonteius* a *Plebeian*, who adopted *Clodius* a *Patrician*, with a view to this latter's being made



made *tribunus plebis*: Quae major calumnia est, quàm venire imberbem adolescentulum, bene valentem, ac maritum: dicere, filium senatorem populi Romani sibi velle adoptare: id autem scire et videre omnes, non ut ille filius institutur, sed ut e patriciis excat, et *tribunus plebis* fieri possit, idcirco adoptari? neque id obscure. nam adoptatum emancipari statim, ne sit ejus filius qui adoptarit. Have patience to read one more Instance of the same Sublime Oratory, out of cap. LII. where he asks *Clodius*, why, when he dedicated *Cicero's* House, he did not consult the College of the *Pontifices*, or, at least, desire some particular Person, as *P. Servilius*, or *M. Lucullus*, to direct and assist him in the Ceremony of the Dedication. but, says he, you durst not: for, *Quid diceres, o nefanda et perniciofa labes civitatis? Ades, ades, Luculle, Servili, dum dedico domum Ciceronis, ut mihi praeceatis, postemque teneatis. Es tu quidem cum audacia tum impudentia singulari: sed tibi tamen oculi, vultus, verba cecidissent, cum te viri, qui sua dignitate personam populi Romani atque auctoritatem sustinerent, verbis gravissimis perterruissent, neque sibi fas esse dixissent furori interesse tuo, atque in patriae parricidio, et scelere.*

re. The Sentence *qui sua dignitate—sustinerent*, is *Cicero's*; the rest, his own. *Briffonius* de Formul. Lib. i. p. 126. took those words, *Ades, ades, Luculle, Servili*, etc. to be an Antient *Formula*, or *Summons* of a Priest, to be assistant in the Dedication of a Temple. But as no other instance of this Form is brought by him, it seems rather to be a boyish sentence of this Writer himself. To proceed.

There is another thing observable in the Author of these Orations, and indeed in all or most Authors of the same Size: which is, that when they have got hold of a Word or Expression which the Writer, whom they design to personate, is fond of; they do not know when to have done with it, and never let it go till they have teaz'd it and worried it to death. Thus *Cicero*, in his *Philippics* and elsewhere, often makes use of the word *praesidium*, a *guard*, or *defence*. whence the Author of the *Epistles to Brutus* under *Cicero's* Name, in one page (Epist. xix. p. 130.) has it *Four* times: *nulloque PRAESIDIO quateseci Antonium.* and in the next line: *PRAESIDIA, quae oblata sunt, Caesaris.* a little lower: *satis videmur habituri PRAESIDII.* and at the bottom

bottom of the Page: *Hoc adolescentis PRAESIDIUM.* Again: *Cicero* frequently uses *cum* and *tum* in the different parts of the same Sentence. The abovementioned Author had observed this, and in one short Epistle (which is the xvii<sup>th</sup> in Dr. *Middleton's* Edition; in the former Editt. it is the xii<sup>th</sup> of the First Book) has it *Five* times. pag. 116. *CUM multa — graviter ferrem, TUM nihil tui gravius.* p. 118. *CUM honoribus — esset — ornatus, TUM etiam — litteras ad Senatum misisset.* towards the Bottom: *CUM ad reipublicae summam, TUM ad gloriam — tuam vehementer pertinet* in the next Sentence p. 120. *eget enim vehementer CUM viribus tuis, TUM etiam consilio, respublica.* again in the next sentence: *eumque CUM tui, TUM reipublicae studiosissimum — cognovi.* It may here perhaps be worth mentioning, that in the First Book of these Epistles, this way of Writing with *cum* and *tum* occurs *seventeen* times: but in the Second, *not once.* which difference of Style as it may indeed be Accidental, the Second Book being so much shorter than the First; so it may be owing to the Two Books having been written by different Authors, as Mr.

*Tunstall*



*Tunstall*, I think very probably, is of opinion they were. But to return to the Orator. The true *Cicero* in his Orations when he has occasion to speak of the *Gods*, very often (and remarkably in the iii Orat. in *Catilinam*) adds to the word *Dii*, in all its Cases, the Title or Epithet of *immortales*; perhaps as being more proper for Oratory, and by its Sound adding something of Dignity and Majesty to the Composition. The Author of *Ad Quirites post reditum* imitates him in this; but so excessively, as to render the imitation almost nauseous. for he is perpetually ringing the Chimes upon *Dii immortales*, and *Decorum immortalium*, etc. insomuch that in the eight first chapters of his Performance, you meet with his *Dii immortales*, in one shape or other, Ten times. Thus again, when *Cicero* speaks of any thing as *very great* in its kind, he frequently expresses it by the word *incredible*: and if at the same time it be of the commendable or desirable kind, he calls it *divinum*; and sometimes both, *incredible et divinum*: of which many Instances may be found in his Orations, for the thing is remarkable. This too has been caught by the same Author *Ad Quirites*, with whom

every thing is *divine* or *incredible*. Thus Cap. i. *incredibili quadam et paene divina—laetitiae voluptate caruissem.* and a little before: *beneficio divino, immortalique vestro, Quirites.* Cap. 2. *neque tam divino, atque incredibili genere dicendi:* which, and the rest of the Sentence, is taken out of *Post red. in Sen. c. i. quod tam divinum atque incredibile genus orationis.* Soon after in the same cap. 2. *spectatum et incredibili pietate cognitum.* Cap. 3. *divina quaedam et inaudita auctoritas.* Cap. vi. *praestanti in me benevolentia et divino studio extiterunt.* Once more: *Cicero* in his Orations often joins together, or uses in the same sentence, *aras, focos, and penates, or Deos penates.* This pleas'd the Author of the Orat. *pro Domo sua,* and therefore he must do the same. Cap. 1. *vita, libertas, arae, foci, Dii penates, bona, fortunae, etc.* Cap. 40. *Fus igitur statuetis esse, uniuscujusque vestrum sedes, aras, focos, Deos penates, subiectos esse libidini tribunitiae?* Cap. 41. *hic arae sunt, hic foci, hic Dii penates, hic sacra, religiones etc.* Cap. 56. *Hic est enim reditus, Pontifices, haec restitutio, in domo, in sedibus, in aris, in focis, in Diis penatibus recuperandis.*

But

But to speak more particularly to each Oration, in the Order in which they ought to have been placed in the Editions.

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REMARKS *on the* ORATION  
Post reditum in Senatum.

THE *genuine* Speech in which *Cicero* immediately after his Return to *Rome* gave Thanks to the *Senate*, was written with great Care; and he thought his Reputation and Character in the point of *Gratitude* so much concerned in the accuracy of this Piece, that not being willing to trust to Extemporary Eloquence, or even to his Memory, he pronounced it (as he informs us in the *Orat. pro Cn. Plancio* cap. 30.) *de scripto*: which was customary in the *Senate*, when any thing was to be uttered which was thought to require exactness: See *pro P. Sextio* c. 61. *Philippic.* i, 1. x, 2. But the Oration we now read as *Cicero's*, is far short of this character. For tho' I think it is, in the main, at least as good as any of the Four; yet there are several particulars in it which discover it to have been written by an Hand very different from that of *Cicero*.



Thus CAP. ii. *hostes atque INTERFECTORES reipublicae. Interficere rempublicam*, or *interfeſtor reipublicae*, ſeems to be almoſt as harſh a Metaphor as that which Cicero blames *De Orator. iii, 41. morte Africani CASTRATA erat reſpublica*: and, *M. Catone mortuo, Senatus relictus erat PUPIL-LUS*. But indeed the whole Sentence, *quo faſto utrumque confeſſus eſt*, etc. when the obſcurity of it is got over, is one of the loweſt conceits, as to *Invention*, and the moſt inaccurately drawn up, of any I ever met with in a Piece of ſo great Antiquity, and pretending to ſo great a Name as That of Cicero.

CAP. iv. NE (quis) PEDIBUS IRET, etc. Theſe words are a part of *Clo-dius's* Law againſt Cicero: and hereby it is enacted, That the Senators ſhould loſe the *Uſe of their Legs*. For the Latin phraſe ſignifies, *That no one ſhould WALK*, or, GO ON FOOT. What he meant is obvious enough, *Ne quis IN SENTENTIAM pedi-bus iret*: which was the Form of ſpeaking when the Senate *divided* upon a Queſtion, and each Member *went* out of his Seat to join thoſe who were of his own *Opinion*,  
and

and who *voted* on the same Side. This is a very common Expression, and is sometimes called *ire in sententiam*, simply, and *discedere in sententiam*, concerning which see *Brissonus De Formulis*, Lib. ii. pagg. 201, 203, 204. But the words *in sententiam* are, I believe, always express, and absolutely necessary, upon this occasion: because if *Clodius* had design'd and had actually made an absurd Law, *That no Senator should go on Foot*; it could not have been put in clearer Terms than is here done by *Ne quis pedibus iret*. as, on the other hand, if you would express what the Author evidently intended, you can no more omit the words *in sententiam* here, than in the next Sentence you can say, *Ne quis adesset*, to signify, *Ne quis SCRIBENDO adesset*. This looks like the writing of a *Provincial*, one who was unacquainted with an Expression as well known, in all probability, to every body at *Rome*, as *dividing upon a Question* is to those who live at *London*. But indeed the whole *praeclarum caput*, as he calls it, seems to be overcharg'd and loaded with several Heads or Articles that never were in the Original Form; which in *Cicero Ad Attic.* iii, 15. I find to be

no more than this, NE REFERRI, NEVE DICI, *liceret* : that it should not be lawful that any motion should be made, or any thing said in the Senate concerning Cicero's Restitution. Moreover, this Author when he was pretending to quote *Clodius's* Law, ought to have quoted the very Words of the Law, and not to have put his own NE LOQUERETUR, when in the Original it was, *neve DICI liceret*.

CAP. V. *cum vos vestem mutandam censissetis, CUNCTIQUE mutassetis, — ille, unguentis oblitus, cum toga praetexta, quam omnes praetores, aedilesque tum abjecerant, irrisit squalorem vestrum*, etc. What need was there of that Idle sentence, *quam omnes praetores aedilesque tum abjecerant*, when he had but just before said, speaking to, and concerning the Senators, *CUNCTIQUE vestem mutassetis*? For if ALL the Senators had chang'd their Habits, the *Praetors* and *Aediles* (he might have added the *Quaestors* too) must of course have done the same, as being included in the word *cuncti*: unless he can prove that there were *Praetors* and *Aediles* who were not Senators. And indeed from this mention of *cuncti Senato-*  
res



*res* first, and afterwards *Praetores Aedilesque* distinctly and separately, it may fairly be made a Question, whether his acquaintance with the *Roman* Constitution carried him so far as to know, that all *Praetors* and *Aediles* were of course *Senators*. certainly if he had not known this, he could not have written otherwise than he has done. The Sentence too which follows this, is worthy of its Author, *fecitque quod nemo unquam tyrannus, ut, quo minus occulte vestrum malum gemeretis, nihil diceret; ne aperte incommoda patriae lugeretis, ediceret.* which is taken partly out of the *Orat. pro Sextio* c. 14. and partly out of *in Pison.* c. 8. with his own favourite addition of the Opposites, *occulte* and *aperte*; and the refreshing Harmony of the Sound in the words *nihil diceret* and *ediceret*.

CAP. vii. *Capuaene te putabas — consulem esse, sicut eras eo tempore, an Romae* etc? I have already (p. 145.) mentioned this passage as an Instance of strange Ignorance in the *Roman* History, the Writings of *Cicero*, and the State of *Capua* from the time of *Annibal*. It is incredible that such a Mistake could have been made

by an *Inhabitant of Rome*, who pretended to *Letters*.

CAP. xi. *non reducti sumus in patriam sicut nonnulli clarissimi cives; sed equis insignibus et curru aurato reportati.* A sober Reader who is acquainted with *Cicero's* Character and Writings, could not be more surpriz'd and disappointed at seeing the *Consular* astride and prancing about upon an *Hobby-Horse* with *Tinsel* Harness, than he would be at finding in his Works this Childish Sentiment of his being brought home in a gilt Chariot drawn by *fine Horses*, with which Thought I do not doubt but the Declaimer was greatly pleas'd. It were to be wished too that he had explain'd what he meant by *equi INSIGNES*. for I believe it does not appear from any *Latin* Writer, that there were any *particular* Horses, or made use of upon any *particular* Occasion, to whom this Epithet did properly belong.

CAP. xii. *in hominibus de me divinitus meritis, omnis erit aetas mihi ad eorum erga me merita praedicanda.* Did not he mean *divinè meritis*, i. e. *Θεῶς, praeclarè, very greatly?* whence *divinis meritis*, Philipp.  
iv,

iv, 2. But *divinitus* expreffes a very different thing, viz. *θεόθεν*, a *Deo*, from, or by the affiftance of, the Gods: as *Famil. i, 9. quae sunt apud Platonem nostrum fcripta divinitus*. as if he had faid, *written by the Infpiration of the Gods*: as *Ad Attic. ii, 21. Pompeius loquitur divinitus*. and fo I fuppofe it is to be taken *Pro domo c. i.* and *De Harufp. Refp. c. 9.* See *Cafaubon* upon *Ad Attic. i, 16. p. 109. ed. Graev.* The word *divinitus* will make Senfe in this place too; but not the Senfe, I believe, which the Author intended. In the next place I Query, Whether this manner of Speaking, *omnis erit aetas mihi ad hoc agendum, all my Life fhall be employ'd in doing this*, is *Latin*, and any where elfe to be found; or any thing like it.

*Ibid. Nofta memoria fenatores ne in fuis quidem periculis mutare veftem solebant: in meo periculo etc.* This is fuch a manifefit Falſity, that if *Cicero* was awake and in his Senfes, he could never forget that He himſelf, a *Senator*, in the year before (*U. C. 695.*) had chang'd his *Habit*, in the time of his own danger. which imprudent ſtep was the occaſion of his ſubſequent Calamities, and cut him to the quick whenever he reflected upon it. Hence

*Ad*



*Ad Attic.* iii, 15. he says, *caeci, caeci, inquam, fuimus in VESTITU MUTANDO, in populo rogando.* not to mention the several Instances of *other* Senators, who in the memory of *Cicero* did the same thing in *their* dangers, viz. *Licinius Macer* mentioned by *Plutarch* in *Cic.* p. 865. and *Lentulus*, *ibid.* p. 870. *Muraena*, in *Cicero's* Oration for him, cap. 40. and *P. Sulla* in the Orat. for him, cap. 31. So far is it from being true that *Senators* in *his* memory were NOT WONT to change *their Dress* in *their own* dangers. Clear up and account for this passage who can. In the mean time there seems reason to suspect, that the Declaimer had forgot himself and his Chronology; and that what he makes *Cicero* here say, in the year U. C. 696, concerning Senators *not changing their Habit in the time of their own dangers*, was taken from what happened five years after, U. C. 701. in the Case of *Milo*, who (as it is related by *Plutarch* in *Cic.* p. 878. and alluded to by *Cicero* Orat. pro *Milon.* c. 34.) being arraign'd for the murder of *P. Clodius*, would neither suffer his Beard to grow, nor change his Dress into that of a Suppliant.

CAP. xiv. *Mecum leges, mecum quaestiones, — mecum etiam FRUGUM UBERTAS, mecum Deorum et hominum sanctitates omnes et religiones* abfuerunt. By these things being *absent* while *He* was *absent*, is clearly imply'd, that now *He* was *returned*, *They* likewise were *returned*. and this is plainly affirmed in the Orat. *Ad Quirit. post red. c. viii. Diis denique immortalibus FRUGUM UBERTATE, copiâ, vilitate, reditum meum comprobantibus.* Please to remember that this Oration *Post red. in Senatu* was Spoken on Sept. v<sup>th</sup>. Now it happens, unluckily for our Author, that *Cicero* himself has inform'd us, that on *this very day*, the v<sup>th</sup> of *September*, and the iv<sup>th</sup>, (which were the Two first days of his being at *Rome* upon his Return) there was a very great DEARNESS and *scarcity of Corn*, as well as other *provisions*, at *Rome*: *Ad Attic. iv, 1. EO BIDUO cum esset ANNONAE summa CARITAS, etc.* What can be said to this?

*Dic aliquem, sodes, dic, Quintiliane, colorem.*

Nor is it more true that *frugum ubertas, copia, vilitas*, was restored on the vi<sup>th</sup> of *September*, upon which day, at farthest, it is supposed the Oration *Ad Quirites* was  
spoken

spoken by *Cicero*. For the immediate cause which at that time restored *Plenty* at *Rome*, was the Law which invested *Pompey* with absolute power over the *res frumentaria* for Five Years; which Law was first propos'd by *Cicero* himself, after his Return: *Dio* Lib. xxxix. p. 95. Now it was several days after the vi<sup>th</sup> of *September* that That Law was pass'd, as is certain not only from the nature of a Transaction of that Importance, the settling of which would require some time: but likewise from the Testimony of *Cicero* himself in that Epistle, and from several passages in the Orat. *Pro Domo sua*, if that Authority be allowed to be good: see capp. 3. 4. 5. 6. 7. of that Oration, and *Life of Cicero* vol. 2. 8°. from pag. 5. to pag. 10. This Law being pass'd, “ the credit of  
 “ *Pompey's* name immediately reduc'd the  
 “ price of Victuals in the Markets; and  
 “ his vigor and diligence in prosecuting  
 “ the affair, soon established a general  
 “ plenty, ” as is related by *Dr. Middleton*, *ibid.* p. 10. Here then the Author of these Orations is plainly caught. and the Kind of the Mistake will probably lead us into the Cause of it. For a *Declaimer*, sitting at ease in his Study, and composing in *Cicero's* Name



Name an *Oration of Thanks* to the *Quirites* for the Zeal they had shown in recalling him from Banishment, remembered that at *Cicero's* Return to *Rome* there was a remarkable *Scarcity* of *Corn* and other *Provisions*; which scarcity was, in a *short time* after, removed by a Law proposed by *Cicero* himself. This was a good Topic enough for Harangue and Flourish, if the Declaimer had introduced *Cicero* as speaking in the *right Time*, that is, *after* the Scarcity was *actually* removed by means of that Law. But here it comes *before* its *Season*: and if the true *Cicero* on the vi<sup>th</sup> of *September*, had (as this Author makes him) told the *Quirites* who were *at that time* in apprehension of being *famished*, That the Gods had shown their approbation of his Return by that abundance and cheapness of Corn which was then apparent at *Rome*; it is probable that the People's Applause would have been exprest, and that very deservedly, in a Shower of Stones or a Volley of Curses, levell'd at the Author of so Impudent a Lie, and such an Insult upon their present Misery. In the Orat. *Pro Domo sua* with better reason he might say, as he does cap. vii, *quemadmodum discessu meo frugum inopia,*

*pia, fames, vastitas, — discordia fuisset; sic reditu meo ubertas agrorum, FRUGUM COPIA, — mecum simul reducta videantur:* because *Cicero* is there supposed to be speaking on the last day of *September*; by which time perhaps the Law might be pass'd, and Plenty restored.

*Ibid. qui si mihi Quaestor Imperatori fuisset, in filii loco fuisset.* I think it is impossible that *Cicero* could write this. For a *Quaestor* was never allotted to him as an *Imperator*, but as a *Governor of a Province*. He was *Praetor* in the Year U. C. 688, *Consul* in the year 690, and this Oration is supposed to be spoken in the year 696, at which time he never yet had been in any *Province* as a *Governor* (for he would not accept of any after either of those Magistracies) and consequently had hitherto no pretence to talk of the Title of *Imperator*, which he did not obtain till the year 702. It is not improbable that a *Province* and *Quaestor* were assign'd to him as *Praetor*, and we know he had a *Province* (*Cisalpine Gaul*) and a *Quaestor* (*T. Fadius*, mentioned by this Author cap. 8. and perhaps hinted at by *Cicero* himself *Famil. V, 18.*) as *Consul*: but it is very odd that he should here suppose himself posselt  
of

of a Title (*Imperator*) which did not belong to him till *six* years *after* the time in which he is speaking, and at the same time should forget those Two others, *Consul*, or *Praetor*, either of which did then actually belong to him, *qui si mihi CONSULI* or *PRAETORI Quaestor fuisset*: which likewise would have been agreeable to the well-known Humane Saying, often mentioned by Himself and others, *That a Consul or Praetor ought to look upon his Quaestor as his own Son*. So in *Verr. i, 13*: *Quaestor ex S. C. provinciam sortitus es. obtigit tibi consularis, ut cum CONSULE Cn. Carbone esses, eamque provinciam obtineres*. then follows, cap. 15. *Tu, cum Quaestor ad exercitum missus sis, custos non solum pecuniae, sed etiam CONSULIS; particeps omnium rerum consiliorumque fueris; habitus sis in liberum loco, sicut mos majorum ferebat; repente relinquo? deferas? ad adversarios transeas?* *Divinat. in 2. Caecilium* cap 18. *sic enim a majoribus nostris accepimus, PRAETOREM Quaestori suo parentis loco esse oportere*. Pro *Cn. Plancio* cap. xi. *L. vero Apuleius hunc tanti facit, ut morem illum majorum, qui praescribit, in parentum loco Quaestoribus suis PRAETORES esse oportere, officiis benevolentiaque superarit.*

And



And this Relation between a *Consul*, *Proconsul*, or *Praetor*, and his *Quaestor*, is often exprest by the word *necessitudo*. *Famil. xiii, 26. L. Mescinius eâ mecum necessitudine conjunctus est, quòd mihi Quaestor fuit*: viz. when *Cicero* was *Proconsul* of *Cilicia*. So *Famil. V, 18.* mentioned before, writing to *T. Fabius* who this Author says had been *Quaestor* to *Cicero*, (it must be either as *Praetor* or *Consul*, probably the latter:) *Tu verò, qui et fortunas, et liberos habeas, et nos ceterosque necessitudine et benevolentia tecum conjunctissimos*; etc. and so in many Places of *Cicero* and other Writers. But the same Expressions of relation between an *Imperator* and his *Quaestor* (tho' the thing might be the same) are scarce to be met with: or if they were never so common, what is that to *Cicero*, who at this time had neither been an *Imperator*, nor could dream of any such thing? The mistake seems partly to be owing to the Author's not knowing the difference between *mihi imperatori* and *mihi cum imperio*; which last is the thing he should have said (since he did not choose to put it in the usual manner, *mihi CONSULI*, or *mihi PRAETORI*) in this place. For every Governor of a

Province

Province was *cum imperio* (see in *Verr.* V, 29); but every Governor was not *Imperator*: only those who either purposely set out for their Provinces upon some Military Expedition, with a Commission from the Senate; or those who afterwards, while they were in their Provinces, by some accident were engag'd in a War; or lastly, those who by some good Success in War obtain'd that Appellation from their *Soldiers*, or from the *Senate*. The case of *Cicero* himself may in great measure explain this matter. When he set out for his Government of *Cilicia* as *Proconsul*, he was *cum imperio* only. *Famil. iii, 2. Cum et contra voluntatem meam, et praeter opinionem accidisset, ut mihi CUM IMPERIO in provinciam proficisci necesse esset*, etc. Here he could not with truth and propriety have written, *ut mihi IMPERATORI in provinciam* etc. But afterwards, during his Government, he had occasion to put himself at the head of his Provincial Forces as a *General*. then he became (*Philip. xi, 13.*) an *Imperator*, or *dux exercitus*. and having gain'd a considerable advantage to the *Roman State*, by taking and burning the strong Holds of the wild Inhabitants of mount *Amanus*, and

by killing a great number of Enemies; he was hereupon saluted *Imperator* by his Soldiers. after which casual events, *L. Mescinius Rufus*, who, before *Cicero* set out, had been appointed *Quaestor* to him as *Proconsul* of *Cilicia*, and *cum imperio* only, became *Quaestor* to him now and *Imperator* both *real* and *titular* too. But this circumstance of his being an *Imperator* was merely an *accidental* thing, no way affecting the *Quaestorship*. For *Mescinius* was as much his *Quaestor* before it happened as afterwards, and would have been just the same had it never happened at all. From all which it appears, that *mibi IMPERATORI* in this place is (to say the least of it) quite impertinent, and no more to the purpose than any other *Circumstance* which belong'd to *Cicero*, or any other *Accident* (foreign to the *Quaestorship*) which befell him, would have been: and that the Author ought to have written, either, *qui si mihi Quaestor fuisset*, or, *qui si mihi cum imperio Quaestor fuisset*, simply and indefinitely: or, lastly, *qui si mihi Consuli, or Praetori, Quaestor fuisset*: that is, *If he had been my Quaestor when I was Governor of a Province*. There is a passage in *Cicero* which perhaps might give



give him the first hint, or confirm him in his wrong use of the expression *mibi Quaestor Imperatori*. It is *Philip. ii, 29*, concerning *M. Antony*: *cujus [Caesaris] tu Imperatoris Quaestor fueras*. But *Antony* was not *Quaestor* to *Caesar*, because *Caesar* was an *Imperator* or *General* of an Army, but because he was *Proconsul* of *Gaul*, tho' accidentally at the same time *Imperator*. or had he been *Quaestor* to *Caesar* as a mere *Imperator* or *dux exercitus* and without any *Province*, as was sometimes the case; yet that would have been nothing to *Cicero*, who at the time this Oration is supposed to be spoken had not been an *Imperator* in any shape, either *Real* or *Titular*, nor could he possibly foresee that he ever should: and when he had that Title *six years* after the time of this Oration, he had no *Quaestor* as an *Imperator*, but as *Proconsul* of *Cilicia*. Turn it on which side you please, either of Expression, History, or Custom; it seems impossible to be the Writing of *Cicero*, or indeed of any other than a *Foreign Author*.

## REMARKS on the ORATION.

Ad Quirites post reditum.

**M**Y first Doubt concerning these Orations began with the first Sentence of This, and was continued and confirmed by almost every following Chapter and Period from the beginning of This to the end of the Fourth, *De Haruspicum Responsis*. For in the true *Cicero* there is nothing to be met with so intricate and involv'd as this First Period, *Quae precatus a Jove Optimo Maximo, ceterisque Diis immortalibus, sum, — maxime laetor, Quirites*: which even an expert Reader may perhaps be forc'd to go over more than once before he can come at the Construction of it. tho' he will find afterwards, that in the Orat. *pro domo sua* cap. lvii, *Nunc te, Capitoline*, etc. (which was design'd as an imitation of *Cicero's* famous Epilogue to his Orations *in Verrem*, lib. v. cap. 72.) the Author has again made use of the same Thought, in a Sentence ten times, if possible, more intricate and confused than the First I have been speaking of.

This

This Oration seems to be little more than an Abridgement of the former; and the worth of it chiefly consists in its Resemblance to That: for the Thoughts, Expressions, and Examples are, for the most part, the same. Thus *Post red. in Senatu* cap. i. *immensum quiddam et infinitum est quod vobis debeamus, qui vestro singulari studio atque consensu, parentum beneficia, Deorum immortalium munera, populi Romani honores, vestra de me multa judicia, nobis omnia uno tempore reddidistis: ut cum multa vobis, magna populo Romano, innumerabilia parentibus, omnia Diis immortalibus debeamus, haec antea singula per illos habuerimus; nunc universa per vos recuperaverimus.* Which is thus exprest *Ad Quirites post reditum* cap. 2. after having mentioned the Benefits he had received from his Parents, and from the Gods, as in the passage just quoted: *vestros denique honores, quos eramus gradatim singulos affecuti, nunc a vobis universos habemus: ut quantum antea parentibus, quantum Diis immortalibus, quantum vobismet ipsis, tantum hoc tempore universim cuncto populo Romano debeamus.*

Again, in *Senat. cap. iii.* *Quo quidem mense, quid inter me et meos inimicos interes-*



*set, existimare potuistis. EGO, meam salutem deserui etc. ILLI, meum reditum non populi Romani suffragiis, sed flumine sanguinis, intercludendum putaverunt. Ad Quirit. cap. v. Hic tantum interfuit inter me et inimicos meos. EGO, cum homines etc. At INIMICI mei, mense Januario, cum de me ageretur, corporibus civium trucidatis, flumine sanguinis meum reditum intercludendum putaverunt.*

In Senat. cap. iv. princeps P. Lentulus, parens ac Deus nostrae vitae, fortunae, memoriae, nominis, etc. Ad Quirit. cap. v. P. Lentulus consul, parens, Deus, salus nostrae vitae, memoriae, fortunae, nominis, etc. The first is taken from the Orat. pro P. Sextio cap. 69. video P. Lentulum, cujus ego patrem, Deum ac parentem statuo fortunae ac nominis mei.

In Senat. ibid. nec enim eguisssem medicina consulari, nisi consulari vulnere concidissem. Ad Quirit. cap. vi. An ego——dubitarem, quin is me, confectum consularibus vulneribus, consulari medicina ad salutem reduceret?

In Senat. cap. xv. Nihil unquam senatus de P. Popillio decrevit; nunquam in hoc ordine Q. Metelli mentio facta est. Tribunitiis sunt illi rogationibus, interfectis inimicis, denique

*denique nulla auctoritate senatûs, restituti. Ad Quirit. cap. iv. nunquam de P. Popillio—nunquam de Q. Metello, — in senatu mentio facta est. Tribunitiis superiores illi rogationibus, nulla auctoritate senatûs, sunt restituti.*

*In Senat. ibid. Nam c. quidem Marius, qui hac hominum memoria tertius ante me consularis, tempestate civili expulsus est, non modò a senatu non est restitutus, sed reditu suo senatum cunctum paene delevit. Ad Quirit. cap. iii. Nam C. Marii, qui post illos veteres clarissimos consulares, vestrâ patrumque memoriâ tertius ante me consularis, subiit indignissimam fortunam, etc. and the latter part of the passage In Senat. just quoted, non modò a senatu non est restitutus, etc. is repeated Ad Quirit. cap. iv. Marius verò non modò non a senatu, sed etiam oppresso senatu, est restitutus.*

These are not a *Sixth* part of the Instances of Concurrence in the like Thoughts and Expressions which are to be found in these Two Orations; or rather, which are plainly borrowed and transcribed out of the First into the Second. But whoever is desirous to see how much Superior the Author of the First was to Himself in the Second, let him carefully compare a passage in this

Oration *Ad Quirites* cap. 2. from the words *A parentibus* to *populo Romano debeamus*, with another, from whence it was copied, *In Senatu* cap. 1. from *Quod si parentes* to the end of that Chapter: part of both which I quoted above in the First Instance of Similitude. He will find this last mentioned Sentence not inaccurately drawn up: but the other to be the poor Performance of an Injudicious and Bungling Imitator and Transcriber. I have brought these few Instances, to the Intent that those who have any knowledge of *Cicero*, may be induced to consider, how Improbable it is, that his *Invention*, which was Fruitful almost to a Prodigy, should be so exhausted in the former Oration, as that he could find little or nothing to say to the *People* but what he had just before said to the *Senate*: especially at a time when he must needs be in great Spirits upon the Occasion and Circumstances of his Return from Exile, and when the Subject itself was otherwise so Noble and Copious. These are marks of a *Poverty* not at all suitable to the Genius of *Cicero*: nor is it likely that in One short Oration he should be forced to come over again with the same Sentence, in the man-



ner he does in this *Ad Quirites*. For Cap. iii. he says : *At me, nudum a propinquis, nulla cognatione munitum,—quotidianae lacrymae, sordesque lugubres, a vobis deprecatae sunt.* which he repeats Cap. vi. *Ita me, nudum a propinquis, nulla cognatione munitum,—Italia cuncta semper a vobis deprecata est.*

*Manutius* (in *Argument. Orat. Post. red. in Senat.*) suspected that this Oration, *Ad Quirites*, perhaps was never *spoken*, as the First was, but only *written*; because *Cicero* *Ad Attic.* iv, i. mentions his giving thanks to the Senate, and says nothing of his doing the same to the People. But *Manutius* himself seems to have been of a different Opinion in his Notes upon that Epistle to *Atticus*; and the Testimony of *Dio* Lib. xxxix. which I quoted above, is express, and proves, that if *Cicero* *spoke* to the Senate, he did the same to the People : tho' I am very well satisfied that he neither *wrote* nor *spoke* either of these Orations. Some of the Reasons why I think so concerning This, *Ad Quirites post reditum*, are contained in the following passages.

Cap. i. *incredibili—laetitiae voluptate caruissem, Laetitiae voluptate* is much the same

same as *voluptatis voluptate*, or *laetitia laetitiâ*; and may be added to those Instances which *Fred. Gronovius* (*Observat. in Scriptor. Ecclesiast. cap. x. p. 106.*) brings out of *Paulinus*, *Julius Firmicus*, and other Authors of the Low Ages, viz. *virus veneni*, *mercedem pretii*, *comarum crines*, *sapientiae prudentia*, etc. A good Latin Writer would have said, *incredibili laetitia*, or *incredibili voluptate caruissem*. But tho' I can easily believe, and do believe, that the Reading of the Text, as it now stands, was the Author's Hand; yet as the Sense and usual way of writing may be restored by the addition of a single Letter, instead of *laetitia voluptate*, I would read, *laetitia et voluptate*: as in the *Orat. pro P. Sulla c. 32. quàm citò illa omnia ex laetitia et voluptate ad luctum et lacrimas reciderunt!*

*Ibid. Res familiaris sua quemque delectat: reliquae meae fortunae RECUPERATAE, plus mihi NUNC voluptatis afferunt, quam tunc incolumi afferebant.* I follow the Edition of *Graevius* in the word *incolumi*; instead of which many MSS and Editions have *incolumitatis*. Whatever be the true Reading, the Sense of the passage is plain enough. He says, That the *rest* (see *Ma-*  
*nutius*

*nutius*) of his Fortunes which he has *re-*  
*covered*, do *now* give him more pleasure  
 than he received from them when he was  
 in the possession of them *entire*. It must  
 be remembred *at what time* this Oration is  
 supposed to have been spoken. *Cicero* entred  
*Rome* from his Exile, *Sept.* 4<sup>th</sup>. U. C. 696.  
 On the v<sup>th</sup> he *gave thanks* in a Speech to the  
*Senate*: on the vi<sup>th</sup> (if not on the v<sup>th</sup>) he  
 is thought to have spoken This *Ad Quirites*:  
 see *Corradus* and *Manutius* upon *Ad Attic.*  
 iv, i. and Dr *Middleton* Life of *Cic.* Vol. 2.  
 p. 3. 8°. But it is so far from being true  
 that *Cicero* on the v<sup>th</sup> or vi<sup>th</sup> of *September*  
 had *recovered* his *reliquae fortunae*, that, on  
 the contrary, he had not, at that time, *re-*  
*covered any thing* at all but his Dignity,  
 Country, and Relations; nor for near a  
 Month afterwards, as you may see in the  
 Epist. *Ad Attic.* iv, 1. 2. and Dr *Middle-*  
*ton* Life of *Cic.* Vol. 2. p. 10, etc. If these  
 Authorities are not sufficient to prove, that  
*Cicero*, when he spake his Oration *Ad Qui-*  
*rites*, had not recovered his *reliquae fortu-*  
*nae*; I will produce one which is, namely,  
 this Author himself, who cap. viii. has this  
 Sentence: *Quod si quis existimat me aut vo-*  
*luntate esse mutata, aut debilitata virtute,*  
*aut*



*aut animo fracto, vehementer errat. mihi, quod potuit vis, et injuria, et sceleratorum hominum furor detrahere, ERIPUIT, ABSTULIT, DISSIPAVIT: quod viro forti adimmi non potest, id MANET, et permanebit.* The words *eripuit, abstulit, dissipavit*, and the foregoing Sentence, are not the Language of one, who, *having been stript of his All*, has at present *recovered* it again; but of one who tells us, that *at present* he is *deprived* of all his Fortunes, and that nothing now REMAINS with him but his *Virtue*: as the Opposition of the Sense and Words plainly shows. How is this reconcileable with the former Sentence *reliquae meae fortunae recuperatae*, or the former sentence with Truth? It is likely our Author took this from the Orat. *Post. red. in Senatu* cap. i. *qui dignitatem, qui ordinem, qui FORTUNAS,—qui denique nobis nosmetipsos REDDIDISTIS.* This spoken in the Senate on the v<sup>th</sup> of September, is very False. For it is evident, as I said before, from *Ad Attic. Lib. iv. Epist. 2.* that no *restitution* of his Fortunes was made to Cicero before the second of October following. And in the same Epistle, written *after* the second of October, and in the next, he still

com=

complains of great streights and difficulties in his Domestic Affairs. Hence it appears that our Author likewise in the *Orat. Pro Domo sua*, spoken on the last day of *September*, had forgot himself, when he makes *Cicero* say, cap. 58. *Non me bonorum direptio, non tectorum excisio, non depopulatio praediorum—permovet: etc. etenim ad nostrum usum prope-modum jam est definita moderatio rei familiaris.* For besides that this was False, it would moreover have been very Improper and Foolish in *Cicero* to have talk'd in this manner, while the Case of his *Allowance* for his Losses was *depending*, and *before* the Senate had decreed what amends should be made him for the Damage he had suffered in *Clodius's* Riots: which Decree was not pass'd before the second of *October*.

Cap. iv. *at de me ut valeret, semper senatus flagitavit: ut aliquando perficeretur, cum primum licuit, frequentia, atque auctoritate, perfecit.* The Sentence which goes before is this: *nec rerum gestarum memoria in reditu C. Marii, sed exercitus, atque arma valuerunt.* So that *memoria rerum gestarum*, must be the Nominative Case to *valeret* and to *perficeretur*. But what is the Sense of this, *senatus perfecit ut memoria rerum*

*rerum gestarum perficeretur?* He seems to have meant, *ut res perficeretur*; and perhaps took the hint of the words from *Philipp. II, 22. omnia (Antonius) perfecit, quae senatus, salvâ republicâ ne fieri possent, perfecerat*. A single MS instead of *perficeretur* has, *proficeret* in this place.

A little before in the same Chapter: *Quare hoc majus est vestrum in nos pro-meritum, quòd non multitudini propinquo-rum, sed nobismetipsis nos reddidistis*. The last colon is taken from the *Orat. In Senat. cap. i. qui dignitatem, qui ordinem, qui fortunas, — qui denique nosmetipsos nobis reddidistis*: that is, *who have restored me to myself*; as in the *Orat. pro M. Marcello Cap. v. memet mihi—reddidit*: and *Horace Epist. I, 14.*

*Villice silvarum, et mihi me reddentis agelli.*

Which expression is very common, and the sense of it is understood by every body to signify, a person's being relieved from any Calamity, Distress, or Uneasiness of any kind (during which he may be look'd upon as *lost* and *absent from*, or *out of Him-self*) and being put in a situation which is the *reverse* of the former *disagreeable* one,  
and



and a kind of *finding, replacing, or restoration* of the *Man to Himself*. But in the passage I am now speaking of, the phrase *nobismetipsis nos reddidistis*, or the word *nobismetipsis*, if you are guided by the Sense, ought to have a meaning very different from the usual one, namely this, *ye have restored me, not on account of the multitude of my Relations, but ON MINE OWN ACCOUNT*. So that according to this Writer, *reddere me mihi* will signify, not *to restore me to myself*, but, *to restore me FOR MINE OWN SAKE*: which is certainly false in this Expression; tho' otherwise I know that the *Dative Case* frequently has that Signification both in *Greek and Latin Writers*.

Cap. v. *At pro me superiores consules semper, ut referrent, efflagitati sunt*. He meant *flagitati*, as above cap. iv. and *post red. in Sen. c. 2. pro Domo c. 26.* and in the passage from whence this is taken, *Orat. pro P. Sextio c. xi. Flagitabatur ab his quotidie cum querelis bonorum omnium, tum etiam precibus senatûs, ut meam causam susciperent, agerent aliquid; denique, ad senatum referrent*. For *flagitare* is to *demand with importunity*: *efflagitare*, to *obtain what was so demanded*. The difference between them is the same

as between *pugnare* and *expugnare*, *orare* and *exorare*, *facere* and *efficere*. See *Turnebus* upon *De Leg. Agrar.* ii, 2. *bonos diuturnis precibus efflagitatus*. It is more likely that this is the Mistake (if it be one) of the Author himself, because in other places of these Orations instead of the Simple Verb he uses a Compound which has a Signification quite different from the Simple. So *sententia referenda* cap. x. for *ferenda*. *Pro Domo* c. 34. *odium retinebat* for *tenebat*. cap. 44. *excogitavit* for *cogitavit*. *De Harusp.* Resp. c. 13. *praedictum* for *dictum*. cap. 15. *conquirimus* for *quaerimus*. None of which I believe are *Latin* in the Sense this Author design'd them. The Writer of the Two famous Epistles of *Brutus* to *Cicero*, the xv<sup>th</sup> and xxii<sup>d</sup>. *Ed. Middl.* seems to have fallen into the same confused Use of this word : in the former, p. 94. in the beginning of the Epistle ; *quoniam efflagitas, coactu tuo scribam quae sentio* : instead of *flagitas* : tho' I know that something may be said for it. But admitting the Distinction, nothing can be said for the latter, p. 178. if the Author wrote, as it is in the Editions, *studio atque efflagitatione omnium* : instead of *flagitatione*. So in the *Orat. pro*

M. Mar-

*M. Marcello* c. 5. for *pacem efflagitantium*, *Patricius* (see his Note) conjectured that it ought to be read *flagitantium*: and *Graevius* having found it so in Five MSS, published it accordingly. There seems still to be the same fault in the *Orat. pro Milone* cap. 34. and *Famil. v*, 19. if this Distinction between the words be true, as Learned men think, and it appears probable from many passages in *Cicero*, who generally writes as if it were so. The Poets, who have a Language of their own, are allow'd, or will take, greater Liberties in the Use of Words. And therefore when *Virgil* *Æn.* xii, 759. writes, *notumque EFFLAGITAT ensẽm*, which the Note under the name of *Servius* explains by, *cum clamore poscit*, that is, *flagitat*; it does not at all affect *Cicero's* Distinction between the two words, if it be certain that *Cicero* observed that Distinction; as it should seem he did.

*Ibid. sed veriti sunt, ne gratiae causã facere viderentur, quòd alter [Piso] mihi affinis erat, alterius [Gabinii] causã capitis receperam.* What this Writer says, at this time, of *Cicero's* having defended *Gabinus* in a *Capital Cause*, I apprehended to be (to speak in his own manner) a *Capital Blunder*.



For this is supposed to be spoken by *Cicero* immediately after his Return from Banishment, in the year U. C. 696, concerning *Piso* and *Gabinus*, who were Consuls in the foregoing year, 695: *before* which year *Cicero* here says he had defended *Gabinus* in a *Capital Cause*. Now it is a very notorious thing that *Cicero's* Defence of *Gabinus* was not till *Four* years after this, (U. C. 699, in the Consulship of *L. Domitius Aëno-barbus* and *App. Claudius Pulcher*) *Pompey* having brought about a Reconciliation between them, and prevail'd upon *Cicero* to undertake the Defence of *Gabinus*: See *pro C. Rabirio Postumo* c. 8. 12. Dr *Middleton* Life of *Cic.* Vol. 2. p. 121. 8°. *Manutius* in the *Argument* of the Orat. *pro C. Rabirio Postumo*, and *Val. Maximus* iv, 2. If it be said that *Cicero* might possibly defend *Gabinus* in *some other Capital Cause*, *before* the Consulship of *Gabinus*: I answer, That it is *possible* he might defend him in *Ten* such Causes: or it is *possible* that he *never* defended him *at all*: nay it is *possible* that there never were any such persons as *Gabinus* or *Cicero*. But if you allow that there was one *Aulus Gabinus*, who, after his being recalled from the Government of *Syria*,

*Syria*, and accused, was defended by one *Marcus Tullius Cicero* in the year U. C. 699, in a Capital Cause, which cannot be denied without contradicting all History ; you must allow, that, if *Cicero* had ever defended him in *another* Capital Cause, and *before* the year 695, as it is here said he had, it is the most improbable thing in the world that no Notice should have been taken of it by any Historian, but more especially by *Cicero* himself, who in his frequent Invectives against this same *Gabinus* between the years 695 and 699, could not have fail'd, among other Vices and Bad Qualities which he so plentifully charges him with, to have mentioned this of his *Ingratitude* towards the person who had been his Preserver. This, in a Case exactly parallel, seem'd so good an Argument to *Asconius Pedianus*, that upon the Strength of it he could not believe that *Catiline* had been defended by *Cicero* (as *Fenestella* said he had) when he was accused of male-administration in his Government of the Province of *Africa* ; because in an Oration spoken against *Catiline* some time after, *nullam mentionem* (says he) *rei habet, cum potuerit invidiam facere competitori, tam turpiter ad-*

## 276 REMARKS on the ORATION

*versus se coëunti* : he takes no notice of this Defence ; whereas the mention of it would have made Catiline, his competitor for the Consulship, very odious, on account of his so basely plotting against his Patron : *Ascon. Pedianus* in *Orat. Cic. in Toga Candida*, p. m. 145. where see more to this purpose. But the case is very manifest. The Declaimer knew that *Cicero* had, some time or other, defended *Gabinus* in a Capital Cause : and the Thing being to his purpose, he was so eager to lay hold of it, that he overlook'd the Time in which it was done. *Dr Middleton* in the *Life of Cicero* Vol. i. p. 335. 8°. takes notice of the same mistake I have been mentioning, in the *French* Author of the *Exile of Cicero*, who says, that *Gabinus* had been defended by *Cicero* in a Capital Cause before the year 695, i. e. before the Consulship of *Gabinus* : when, as the Dr. there observes, that Defence was not made till several years after that Consulship, viz. in the year 699. I have not the least doubt but that the Remark is true. But if this Piece be the Genuine Work of *Cicero*, we are both mistaken, and the Author of the *Exile* is in the right ; tho' I do not apprehend that we are in any danger.

Ibid.



Ibid. *quae deliberatio non in reddenda, sed in augenda MERCEDE, consumpta est.* This is a most obscure Double Signification of *mercede*. For by *in reddenda mercede*, is meant, *in returning the KINDNESS*, viz. to me : but by *in augenda mercede*, he means, *in enhancing the PRICE*, viz. which was to be given to *Atilius*, for his *veto*, or putting a stop to the *Law*, by his *Tribunitian Intercession*. In plain and intelligible Writing it might have been thus : *quod deliberationis tcmpus, non in referenda mihi gratia, sed in augenda sibi mercede, consumptum est.* The Thought is taken, and very unskilfully expressed, out of the *Orat. pro P. Sextio* cap. 34. where *Cicero* is giving an account of this same action of *Atilius Serranus* the Tribune : *illi interea deliberatori merces, longa interposita nocte, duplicata est.* Were it not for this passage, it would have been impossible for us ever to have understood the former, and the meaning of *augenda mercede* in that place. The Author knew what he himself meant, but did not consider that he ought to have written so as to make himself understood by others. The Circumstance of *Cicero's* having been a very great friend in his *Consulship* to this *Atilius* then *Quaestor*,

## 278 REMARKS on the ORATION

is probably the Author's own Invention (for *Cicero* himself says nothing of it; and certainly he would not have omitted the mention of it, had it been true) in order to get an opportunity of upbraiding *Atilius* for his *Ingratitude*, and by that means to introduce *in reddenda mercede*, the beloved Opposition to *in augenda mercede*, which he had already secured out of *Cicero's* Expression, *DUPPLICATA merces*. This was an usual trick among the *Declaimers*, who made no scruple of *disguising* or *adding* to the Truth, as was most convenient to their own purposes. In order to the First of these, they had a Technical Term called a *Color*, which was of infinite service to them, and gave them the liberty of *varnishing* their Subjects, as suited best to their own *Imaginations*, and to the number of *Good Things* they could utter upon any *Theme*, if it had been *really* what they wanted to be. So that whenever *Truth* (which is the most rigid and fixt thing in the world) would not yield, they went to work upon it with their *Color*, with which they could frequently soften the harsh and ugly Features of it, and bring it nearer to the Likeness which pleas'd their own Fancy. But if that would  
not

not do, they had recourse to plain and downright *Fiction*. Had they confined these liberties to their own Province, and *imaginary* Persons, the *Tyrannicidae*, *Abdicati*, *Raptores*, etc. no great harm had been done. but when they made excursions into *real History*, it was of ill consequence, because they misled those who followed them, and who were not acquainted with their ways. Of this there is a notable instance relating to *Cicero* himself. A notion obtained some short time after his Death, that *Popilius Laenas* the Tribune (*Livy* calls him no more than *legionarius miles*, Epitom. Lib. cxx.) who is thought to have killed *Cicero*, had formerly been defended by him in a Cause of *Parricide*. This was so far from being entirely true and certain, that *Marcus Seneca*, who lived in those times, assures us, That but few of the Historians had related that *Popilius* was even the Person who killed *Cicero*; and they all agreed that *Cicero's* Defence of him was in a *private* Cause. but the story of the *Parricide*, was the Invention of the *Declaimers*: Controversiar. iii, 17. *Popilium pauci ex historicis tradiderunt interfectorem Ciceronis: sed hi quoque non parricidii reum a Cicerone defen-*



*sum, sed in privato judicio. Declamatoribus placuit, parricidam reum fuisse.* This Fiction of the Declaimers was greatly to their purpose, because it gave them more scope, and an opportunity of drawing a Comparison between the Murderer of his own Father and the Murderer of his Preserver and Patron; and not barely so, but of Cicero his Preserver and Patron: upon which they could say many Smart and Pointed things; a multitude of which you may see in Seneca. But mark the consequence of this Fiction. *Plutarch*, a Foreigner, who lived an Hundred years after this time, and either took up with the common notion, or had the account from the Writings of these men who were the Authors of the Notion, relates it as an Historical Truth: ΠΟΠΙΛΙΟΥ ΧΙΛΙΑΡΧΟΥ, ὃ πατρικίου δίκῃ φέροντι συνέειπεν ὁ Κικέρων. *Popilius a Tribune, whom Cicero had defended when he was accused of Parricide.* in vit. Cic. p. 885.

Cap. viii. NUMENQUE vestrum AEQUE mihi GRAVE et SANCTUM, ac Deorum immortalium, in omni vita futurum, sc. polliceor And cap. x. vobis, qui apud me DEORUM immortalium VIM et NUMEN tenetis. In the Orat. pro C. Rabirio cap. 2. Cicero, after hav-  
ing

ing invoked the *Gods*, next addressees himself to the *Quirites* or *Citizens* of *Rome*; of whom he says, *quorum potestas PROXIME ad Deorum immortalium numen accedit*. But our Author is not contented with this Compliment, and out-tops it greatly. For he makes *Cicero* tell the *Quirites* here, That he shall always look upon their *Numen* not as *next*, but as EQUAL TO *That of the Immortal Gods*. This is such an Outrage upon *Cicero* as is not to be parallel'd: and one would think that it was written rather in Mockery, than with any real design of being pass'd upon the world as his Sentiment or Writing. It is a wonder that this Prophane Declaimer did not call them *Quirites OPTIMI MAXIMI*: whereas *Horace* modestly and piously tells the People of his time, *Diis te minorem quod geris, imperas*: and even the ranting *Stoicks* allowed that Their *Wise Man* was *minor Jove*. In the Oration *pro L. Muræna* cap. 1. *Cicero* says to the *Judges* in that Cause, *omnis Deorum immortalium potestas aut translata est ad vos, aut certe communicata vobiscum*: and *pro Cluentio* cap. 69. *Vos, Judices, quos huic A. Cluentio QUOSDAM ALIOS DEOS ad omne vitæ tempus fortuna esse voluit* etc. a kind of other Gods.

in both places he evidently speaks with respect to those *two Causes*, and to the *Power* of the Judges, who could either *SAVE or RUIN Muraena and Cluentius*; in which view there is nothing extravagant or unusual in the Expressions. for in many other Authors we find, that any great *Benefactor* to another man, is called *Deus*, (see Dr Middleton Life of Cic. Vol. 2. p. 3. 8°. ) and an *Excellent Man* is called *Deus quidam mortalis*, a kind of mortal God, by a Metaphorical and Figurative way of speaking. But *Cicero* could not be the author of such a foolish Thought and Expression as this Writer has here fathered upon him. The true *Cicero* had more Religion and good Sense than to utter any thing so Impious and Absurd.

Cap. ix. SUPERIOREM esse CONTRA IMPROBOS, minus est negotii, quàm bonis exaequari. In the former part of the Sentence, the *Latin* is doubtfull; in the latter, the Sense. But how very different from the Manliness and Perspicuity of *Cicero's* Writing, does this enervate and obscure Stuff, when with much ado you have found out the meaning of it, appear to be!

There is a passage which I had almost forgot to mention, cap. i. *Et si homini nihil*  
est



*est magis optandum, quàm prospera, aequabilis, perpetuaque fortuna, secundo vitae sine ulla offensione cursu ; tamen, si mihi tranquilla et placata omnia fuissent, incredibili quadam, et paene divina, qua nunc vestro beneficio fruor, laetitiae voluptate caruissem.* This is the

Sentence to which *Ammianus Marcellinus* is thought by *Hottonian* to allude, Lib. xv. I will transcribe it from the only Edition I have by me, That of *Boxhornius* Lugd. Bat, 1632. p. 78.—*mirabamur illam sententiam*

*Tullianam, ex internis veritatis ipsius adytis promulgatam, quae est talis : “ Et quam-*

*“ quam optatissimum est perpetim fortunam*

*“ quam florentissimam permanere ; illa tamen*

*“ qualitas vitae non tantum habet sensum,*

*“ quantum cum ex saevis et perditis rebus*

*“ ad meliorem statum fortuna revocatur.”*

It is not certain that this is the passage *Ammianus* means, there being a great difference

both in the Expression and the Sense, especially in the latter Part. or if it were cer-

tain, it is equally certain that He, a *Greek* Soldier, was very ill qualified to judge of

the Writings of *Latin* Orators. But *Ammianus's* Testimony does not affect the

Question on either Side, because I allow that these Orations were read as *Cicero's*

long

long before His time, and quoted as such by one who may be supposed much more capable of judging concerning these matters than *Ammianus* was. It may not be improper to observe, that in the passage of the Oration, *Et si homini nihil etc. si* is put for *etsi* or *quamvis*, with *tamen* to answer to it: as *De Har. Resp.* cap. 1, and 4. In which places I think no alteration should be made, because *Cicero* himself often writes so; twice in one chapter of the *Orat. pro Cn. Plancio*, cap. 2. and *pro P. Sextio* c. 26. *qui, si nondum erat ipse a Senatu socius appellatus, erat tamen frater ejus regis, qui etc.* that is, *QUAMVIS nondum erat.*

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## REMARKS *on the* ORATION Pro Domo sua.

THE Oration *Pro* (rather *De*) *Domo sua, Ad* (or *Apud*) *Pontifices*, was spoken on the last day of *September*, in the same year as the former, U. C. 696. *Marcus Calidius*, a great Friend of *Cicero*, and of whom there is a fine Character in *De Clar. Orator.* c. 79. spake an Oration upon the same Subject, mentioned by *Quintilian*

*lian Instit. x, 1. Quinetiam, easdem caussas ut quisque egerit, utile erit scire. nam pro Domo Ciceronis dixit Calidius ; etc.* where Mr *Burman* notes that several Copies instead of *PRO Domo* have *DE Domo* ; which Reading is confirmed by the following passage of *Cicero*, who was so pleased with his own Performance upon this occasion, that he could not forbear expressing his satisfaction in it, in a Letter to *Atticus*, Lib. iv, 2. *Post illas datas litteras, secuta est summa contentio DE Domo. diximus APUD Pontifices pridie Kal. Octobres. acta res est accurate a nobis : et si unquam in dicendo fuimus aliquid, aut etiam si unquam aliàs fuimus, tum profectò dolor et magnitudo vim quandam nobis dicendi dedit.* The advantageous account which *Cicero* gives of this piece, makes the Loss of the Original deserve to be the more regretted by us : especially as in the room of it we have got something which appears in a Light very different from what we might have expected from the abovementioned Character : and if *Cicero* could be satisfied and pleased with this Oration, it seems to be a strong Instance how far the *communis Φιλαντία* renders a man incapable of being a true Judge  
of



of his own Performances, since a more dull and tedious Harangue than this, if you except the next. *De Haruspicum Responsis*, is not easily to be met with. The first Twelve Chapters (above a *Fifth* part of the Oration) are evidently, and by his own Confession, nothing to the purpose, and *more* (as he says, cap. xii.) *than was agreeable either to his Opinion, or his WILL*. If so, one might ask, who *forc'd* him to it, and what need was there of speaking it at all? Because, says he, *I was DESIROUS to clear myself*. How then was it *more than was agreeable to his WILL*? or how does this long and *impertinent* Excursion agree with the true *Cicero's* account of *His* Oration upon this Subject, *acta res est ACCURATE a nobis*? For it is difficult to apprehend, how a Piece can be consistent with *Accuracy*, when more than a *Fifth* part of it is acknowledged by the Author himself to be *extra causam*: and it were easy to show that more than *another Fifth* of it is equally *extra causam*, whether he acknowledgeth it or not. For it seems to be drawn up as if the Author had been obliged to write *by the page*, and to eke out his Work to a certain *given* Length. It is the Third Part of  
the

the Old Story concerning the Villany of *Clodius* and his Associates, (taken almost entirely out of *Cicero's* Orations for *P. Sextius* and upon *L. Piso*) which he had told Twice before, in the Two foregoing Orations ; and a good deal of it will be repeated in the next, *De Haruspicum Responsis* : and if this Author had set himself to write a Speech upon *Cicero's* Marriage to *Publia*, I do not doubt but some way or other he would have contrived to introduce the same account of the pranks of *Clodius*, *Piso*, and *Gabinus*. There are very many things to be observed in this Oration. but at present I shall confine myself to a few of them.

Cap. xiv. *Ita perturbatis sacris, contaminatis gentibus, et quam deseruisti, et quam POLLUISTI, — factus es ejus filius contra fas, cujus, per aetatem, pater esse potuisti.* This is spoken of *P. Clodius*, who left his own *Patrician* Family, the *Clodii*, to be adopted into a *Plebeian*, the *Fontei*, in order to be made a *Tribune of the People*. But the Reasoning is remarkable : Thus confounding the Sacred Rites, POLLUTING the Two Families, both That which you forsook, and That which you POLLUTED, you became

became the Son of a Person, etc. He meant, both *That which you forsook, and That which you were ADOPTED INTO.* but his Head would not carry him thro' one short Period.

Cap. xviii. *Velitis, jubeatis, ut M. Tullio aquâ et igni interdicatur.* The Verb *jubeo*, with the Conjunction *ut* following it, as in this place, has been look'd upon as an *Idiotism*, or *peculiar* manner of writing, not often to be met with. *Cellarius* Cur. Posterior. cap. v. which is *De Idiotismis et Singularibus quibusdam* etc. p. 180. writes thus concerning it: "JUBEO, UT, Aureo illo et proximo Latinitatis aevo notetur ut Idiotismus, quia illa aetate Infinitivus *jubendi* Verbum frequentissime et elegantissime subsequabatur. Rara itaque sunt, quae Livius xxxii, 16. scripsit: *jussitque, ut, quae ex sua classe venissent naves, Euboeam peterent*: et Tacitus xi, 32. *jussit ut Britannicus et Octavia in complexum patris pergerent.* etc. Postrema aetate invaluit haec Syntaxis. Lampridius Elaeagab. c. 13. *jussit, ut trucidarentur.* Capitolinus in Marco c. 11. *jubens, ut quinos aureos scenici acciperent.*" But *Terence* too writes in the same Construction,



Construction, *Adelph.* Act v. sc. 5. jube—  
dinumeret *viginti minas.* and *Cellarius* him-  
self brings *Plautus Amphitruon.* I, 1. jubet,  
ut *dicant sententiam.* to which he might  
have added this in *Sticho* Act. ii. sc. 2.  
v. 71.

*I, i intro, Dinacium : jube famulos rem  
divinam mihi apparent.*

Tho' he makes an Exception to his Au-  
thority, as being a Writer of *Comedy*, and  
therefore taking greater liberty. in which I  
agree with him thus far, that Instances  
brought out of the *Poets* and *Comic Writers*  
do prove indeed that such Instances are *Latin*;  
but it does not thence follow that they might  
or would be used upon all occasions by  
Writers in *Prose*. But what can be said to this  
of *Cicero* in *Pison.* c. 29. *At hoc nusquam opi-  
nor scriptum fuisse in illo elogio; quod, te con-  
sule, in sepulchro reipublicae incisum est, Veli-  
tis, jubeatis, UTI quòd M. Cicero versum fe-  
cerit ; sed quòd vindicarit.* for the Expli-  
cation of which see *Manutius.* *Cicero* does  
not here find fault with the *Latin* of *jubea-  
tis uti.* if he had, he would have forgotten  
what Himself wrote in *Verr.* iv, 12. *Hic tibi  
in mentem non venit, jubere, UT haec quo-  
que referret, H—S VI millibus 10 se tibi ven-  
U didisse?*

didisse? So in the Antient Form of an *Adrogatio*, a species of *Adoption*, in Gellius N. A. V, 19. *Velitis jubeatis, Quirites, UTI L. Valerius L. Titio tam jure legeque filius fiet, quàm si ex eo patre matreque familias ejus natus esset* : etc. Livy xxxviii, 54. *Velitis, jubeatis, — UTI de ea re Ser. Sulpicius, praetor urbanus, ad senatum referat* etc. xxviii, 36. *nunciatum ab Carthagine est, jubere senatum, UT classem, quam Gadibus haberet, in Italiam trajiceret.* xxxv, 5. *equites earum [legionum] extra aciem in locum patentem Q. et P. Minucios tribunos militum educere jussit : inde, quum signum dedisset, impetum ex aperto facerent.* xxxvi, 1. *Alter consul — cum Boiis jussus bellum gerere, utro exercitu mallet ex duobus quos superiores consules habuissent ; alterum UT mitteret Romam, etc.* xxxviii, 35. *comparare inter se, aut sortiri jussi, et novos exercitus, binas legiones scribere, et UT sociis Latini nominis quina dena millia peditum imperarent, et mille ducentos equites.* Auctor *De Bello Hispaniensi* (who wrote in Caesar's time) cap. 27. *Ucubim Pompeius praesidium quod reliquit jussit incenderent, et, deusto oppido, in castra majora se reciperent.* Auctor *De Bello Alexandrino* (of the same Age) cap. 73.

Huc

*Huc omnem comportatum aggerem e castris servitia agerent jussit; ne quis ab opere miles discederet.* where *jussit ne discederet*, is, *jussit ut non discederet*; or, *ut ne discederet*, as the Author of this Oration expresses it above, cap. 17. *Velitis, jubeatis, ut M. Tullius in civitate NE sit, bonaque ejus ut mea sint.* These Instances I suppose (and I could bring several others) may be sufficient to shew, that this Construction of *jubeo* with *ut*, is not so very *Rare* or *Singular*, even in the *Golden Age* of the *Latin Tongue*. tho' what *Cellarius* says concerning the greater frequency of the other, is very true.

*Ibid. Non tulit, ut INTERDICATUR. quid ergo? ut INTERDICTUM SIT.* The Difference which our Orator here suggests between *interdicatur* and *interdictum sit*, both of them the *Present Tense* of the *Subjunctive Mood*, is none at all; and the latter is full as proper in this place as the former. What then is it that he is aiming at, and upon the strength of which he would force the Words of *Clodius's Law* into an *Absurdity*? I fancy I can let you into the Secret and Contrivance of it, which is worthy of the Author. *Interdictum SIT* is the *present Tense* of the *Subjunctive Mood*, and signifies



fies the same as *interdicatur*, as I said before. But it denotes not only the *Present* Tense, but also the *Preterperfect* of the same Mood, and is the same with *interdictum* FUERIT, as every School-Boy knows. Now because it may signifie *interdictum fuerit*, and it is to the Author's purpose that it *should*; therefore it *shall* signifie so. and then *Clodius's* Law would have been propounded to the People in this manner: *Velitis, jubeatis, ut M. Tullio aquâ et igni interdictum* FUERIT? Do ye will and command, O Citizens, that *M. Tullius* may HAVE BEEN *interdicted* the use of Water and Fire? instead of, that *M. Tullius* MAY BE *interdicted*. By which means the *Interdiction* of *Cicero*, which was now for the *first time* proposed to the People by *Clodius*, as a thing at present *to be done*, will be spoken of as a thing *already done*. which will make it Absurd enough. for, as he says just after, can any Law in the world make a thing that HAS NOT *been done*, become a thing that HAS *been done*? The whole Argument evidently depends upon this Double Signification of *interdictum fit*. and this is one of the miserable *Colores* to which the Declaimers were often driven.

But

But *Cicero*, I am certain, would have held his tongue rather than have had recourse to such a pitiful and precarious Quibble as this. For if *Clodius*, who may be supposed to be the best judge of his own meaning, had only affirmed that he designed *interdictum sit* in the *present* Tense, the same as *interdicatur*; the Orator could have gone no farther, and would have had nothing left but to beg of *Clodius* to let it be taken for *interdictum fuerit*; for that otherwise, his Argument would be utterly ruined.

Cap. xix. *De hac igitur lege dicimus quae jure rogata videatur: cujus quam quisque partem tetigit digito, voce, PRAEDA, suffragio, quocunque venit, repudiatus convictusque discessit.* He is speaking of *Clodius's* Law for the Banishment of *Cicero*; and says, That whosoever meddled in that Law, either (*digito*) in penning it, or (*voce*) in speaking for it, or (*suffragio*) in voting for it, was sure to be cast, during *Cicero's* Exile, in every Law-Suit he happened to be engaged in: so great and so general was the public Resentment against *Cicero's* Enemies. This is the Sense of the passage. But who can explain the *Language*, tangere aliquam partem legis PRAEDA? or how

comes *quocumque venit* to signifie *ad quodcumque tribunal venit*? for that must be the meaning of it, as appears from the words *repudiatus convictusque*: see *Manutius's* Note. And now it is worth while to observe the Ignorance or Negligence of our Author in transcribing this Passage out of the Orat. pro *P. Sextio* cap. 31. *Quisquis erat qui aliquam partem in meo luctu sceleris Clodiani attigisset*, quocumque venerat, quod iudicium cumque subierat, *damnabatur*. *Cicero* does not say, *quisquis attigisset aliquam partem sceleris Clodiani* PRAEDA, which he knew would have been unintelligible: and being aware that *quocumque venerat*, by itself, would not necessarily express his meaning, he therefore adds the following Clause, by way of illustration, *quod iudicium cumque subierat*. this too our Author has got a little higher: *qui in iudicium venerant, sive accusatores erant, sive rei, te deprecante, damnabantur*. But if you would see a Master-piece of Blunder, read the sentence which goes before this I am upon: *accusare alienae damnationis scelerisque socios* (i. socius) *propter calumniae metum non est ausus*. *Aelius Ligur*, of whom he is speaking, being set aside and taken no notice



notice of in the last Will of his Brother *M. Papirius*, filed a Bill against *Sex. Propertius* for the Murder of *Papirius*, but durst not come to a Trial and accuse *Propertius*, becuse he himself was an Accomplise in the Murder. so that *Ligur* was indeed *socius sceleris*, a partner in *Propertius's* villany; but how could he be *socius damnationis*, a partner in his condemnation, when we are told in the same sentence that *Propertius* was so far from being condemned, that *Ligur* durst not so much as accuse him? Such obvious Mistakes as these seem to be, would almost tempt a Reader to distrust himself, and to suspect that there is some Trick and Design conceal'd under them.

Cap.xx. *ne id quidem per legem Liciniam, ut ipse tibi curationem ferres, facere potuisti.* We may be enabled to judge of this passage by seeing that of *Cicero* whence it was taken, *De Leg. Agrar. ii, 8. Licinia est lex, atque altera Aebutia, quae non modo eum qui tulerit de aliqua curatione ac potestate, sed etiam collegas ejus, cognatos, affines excipit, ne eis ea potestas curatiove mandetur.* Hence it should seem that our Author

thor did not understand the place of *Cicero*, in whom *ferre de aliqua curatione*, is, *ferre legem* or *rogationem de aliqua curatione*, to prefer or propound a Law or Bill concerning any Office or Trust: a very usual Ellipsis, and in other places not unknown to this Writer himself. But here, what in full would have been, *ferre rogationem de curatione tibi mandanda*, he has cropt and chang'd into *ferre curationem tibi*: which Latin surely can never express the Sense required. for it seems impossible from the Use of Language that *ferre consulatum* should signify *ferre rogationem de consulatu*; or that *ferre exercitum tibi*, can stand for, *ferre legem de exercitu tibi mandando*. *Livy* calls it *deferre curationem ad aliquem*, Lib. xxvii. c. 30. Had it not been for that passage of *Cicero*, neither the Meaning nor the Mistake of this could have been discovered. As strange is this in the same Chapter, if *Graevius's* Interpretation of it be true: *ut in Asia Cistophorum flagitaret*. which he explains thus: “ hoc est ut juberet in vectigalibus et tributis pendendis non aliâ pecuniâ uti Asiaticos quàm Cistophoris.” I will not pretend to give a better explication of it, for I do not understand it. nor do I

mention this with the least design or inclination to reflect upon the excellent *Graevius*, whose interpretation may be true for ought I can say to the contrary. But in the mean time what is become of the Propriety and Perspicuity of *Cicero's* Expression? For if this Liberty in writing (where no Instance is given of it, nor Reason for it) be allowable, I do not see why Any thing may not signifie Every thing; and why *Arma virumque cano* may not express the same sense as *Trojae qui primus ab oris*.

Cap. 25. *ex quo judicare potestis, quanta vis illa fuerit oriens, et congregata, cum haec Cn. Pompeium terruerit jam distracta, et*

EXTINCTA. In the foregoing sentence he had been giving an account, that after *Clodius* had removed *Cicero* and *Cato* out of the way, his next attack was upon *Pompey*; in which at first he was assisted by both the Consuls, *Piso* and *Gabinus*. afterwards *Gabinus* went over to *Pompey*, and carried with him the larger share of *Clodius's* Party: but *Piso* continued firm to *Clodius*.

This Division occasioned such Outrages and Violences, that *Pompey* was obliged for his own safety to shut himself up in his own

House



House all the remainder of the year of *Clo-*  
*dius's* Tribunate. Then follows the passage  
 quoted, *ex quo judicare potestis* etc. whence  
 you may judge, how great, in its rise, and  
 when at its full, That (united) power must  
 needs be, when now divided and EXTINCT it  
 could frighten *Cn. Pompey*. What, could  
*Pompey the Great* be frightned by a Power  
 that was extinct? Or, supposing it possible,  
 how could That Power be *extincta*, which,  
 in the very word that goes before, was only  
*distracta*, or divided from another Part of  
 it? Is this Stupidity suitable to the Charac-  
 ter of *Cicero*?

Cap. xxxii. *Denique universus Senatus,*  
*multo ante quàm est lata lex de me, GRA-*  
*TIAS AGENDAS censuit CIVITATIBUS*  
*IIS QUAE M. TULLIUM: tantumne? im-*  
*mo etiam, CIVEM OPTIME DE REPUB-*  
*LICA MERITUM, RECEPISSENT.* He  
 seems to confound the *Letter of Recommen-*  
*dation*, written by the Authority of the  
 Senate to the Foreign Cities and States,  
 that they would receive and entertain *Cice-*  
*ro* in his Exile, with the *Letter of Thanks*  
 written afterwards. The words which are  
 put in Capitals are supposed to be the words  
 of the Letter. But I fear the Author makes  
 a false

a false Quotation, and falls very short of doing Justice to *Cicero*. For *civis optime meritus de republica* is a Character which belonged to many Hundreds of *Romans* as well as to *Cicero*. but the Title which was given to him in That Letter of Recommendation, was, *civem conservatorem reipublicae*: which surpasses the other infinitely, and had never been given to any Citizen before him. It happens fortunately for *Cicero* that He himself has preserved the very Words of this Letter, in the Orat. in *Pisonem* cap. xv. *Me idem Senatus exteris nationibus, me legatis magistratibusque nostris auctoritate sua, consularibus litteris, non, ut tu Insüber dicere ausus es, orbatum patria, sed, ut Senatus illo ipso tempore appellavit, CIVEM CONSERVATOREM REIPUBLICAE, commendavit.* So that if *Cicero*, in quoting the Original Letter of the Senate, had put, as this Author makes him, *optime de republica meritum* instead of *conservatorem reipublicae*; he would not only have been guilty of *Falsification*, but would likewise have been greatly wanting to Himself and to his own due Praise: a Defect with which he seldom has been charged. tho' at the same time his Adversaries must

confess

confess that he never said more of Himself than was really True, nor more than he really deserved; and sometimes less. For in *Paradox*. iv. when he was not under the same necessity of citing these words of this Letter of the Senate, as our Author was here; instead of *conservatoris reipublicae*, as he might truly have said, he only puts *civis optimi*, another expression out of the same Letter. *Ergo ego semper civis; et tum maxime, cum meam salutem Senatus exteris nationibus, ut CIVIS OPTIMI, commendabat.* It is certain that a *Letter of Thanks* too was written by order of the Senate upon *Cicero's* account: see *pro P. Sextio* c. 60. and *Plutarch* in *Cic.* p. 877. But, besides that no particular passage of this *Letter of Thanks* is mentioned by *Cicero*, or by any other Writer; it is very Improbable that the Senate, who in their *Letter of Recommendation* had given him the glorious Title of *Conservator reipublicae*, should afterwards in their *Letter of Thanks* degrade him to the Ordinary Character of only an *optime meritis de reipublica*. This looks either like a Fiction of the Author, or a Mistake from his confounding the Two Letters: tho' I see the Subterfuge of a *Possibility*. I have distinguished



guished this passage of the Oration as it ought to be. in the Editions it is thus, *multo ante, quam est lata lex, de me gratias agendas* etc. by which means *lex* will signifie *Clodius's* Law concerning *Cicero's* Banishment, which was mentioned in the preceding sentence, quite contrary to the intention of the Author, who by *lex de me*, meant (and indeed, instead of it should have written) *lex de reditu meo* : as cap. 26. *L. Cotta, qui legem de reditu meo ferendam non censuit.* which a little lower in that Chapter he calls *lex de me* : rightly there, because no body could mistake his meaning when he had just before put *lex de reditu meo*, and was still speaking of the same thing. So *Cicero* pro *Milon.* c. 14. having said, *cum de reditu meo legem ferret* ; soon after expresses the same thing by, *cum est lata lex de me.* which latter he would not have put, had he not expressed it fully just before in the former.

Cap. xxxv. *illius pulcherrimi facti, quod ex auctoritate Senatûs*——*gessissem, etc.* Notwithstanding this might be written in the time of *Augustus* or *Tiberius*, yet it certainly is not *Latin.* For no *Roman* Writer  
ever

ever says *factum gero*, but *rem gero* or *negotium gero*. because *res* or *negotium* may imply a thing now doing; or depending: but *factum* cannot; for it is *res facta*, a thing already done. So that *factum quod gessissem*, if there were any such phrase, (as I think there cannot be) would in effect signifie, not, as the Author intended, a thing which I did; but, a thing already done by me, which I did; viz. after it was already done by me. This is very surprizing in a Writer so near the time of Cicero.

Cap. xliii. *signum de busto meretricis ablatum isti dedit, quod esset signum magis istorum, quàm publicae libertatis.* Appius Claudius brought out of Greece the Statue of an Harlot of Tanagra in Boeotia, which he took from her Tomb, upon which it was placed. This he made a present of to his Brother P. Clodius, who turned the Harlot into a Goddess, *Libertas*; and built a Temple to her in the area of Cicero's House. But how, and in what Sense, was this Statue (*signum*) to be a sign of their liberty rather than of the public liberty? He has spoilt the Conceit by not expressing it in the words he would, or should, have done;

done: *quod esset signum magis istorum LICENTIAE quam publicae LIBERTATIS: to be a sign of their LICENTIOUSNESS, rather than of the Public LIBERTY.* So cap.

51. *simulacrum non LIBERTATIS publicae, sed LICENTIAE collocaſti.* where, after *licentiae*, the word *tuae* seems to be wanting, perhaps lost in the two last syllables (*tiae*) of the preceding word. which appears more probable from a similar passage in *Livy* iii, 37. *propalam LICENTIAM suam malle quàm populi LIBERTATEM.* and *Lib. xxvii, c. 31. LIBERTATEM quam aliis vanam ostendisset, totam in suam LICENTIAM verterat.* *Cicero De Legg. ii, 17.* calls this Building of *Clodius*, *Templum Licentiae.*

*Ibid. imaginem meretricis— a FURE sublatam, a sacrilego collocatam?* This cannot with any appearance of probability be imputed to *Cicero*; who, if he had no more regard to Decency and good Manners, could not be so foolish and imprudent as out of wantonness to stigmatize, by the most low and reproachful name of *Fur*, a person of the First Quality in *Rome*, *Appius Claudius*, at that time *Praetor*, a man of Character, (as who was *Censor* not long after) and one whom in several places he excuses for taking the  
part



part of his Brother *Publius Clodius*, by saying, *That nothing less could be expected from one Brother towards another* : one moreover, with whom, not many years after, he had a great Intimacy and Friendship ; which he could not with any modesty have hoped, or ever brought about, had he spoken and published this Oration with that Scandalous monosyllable in it, never to be forgiven by the High Spirit of one of the *Claudian* Family. In my opinion, the Declaimer could not forget himself more grossly, or write more widely out of Character, than he has done here in this single Word.

Cap. xlv. *posuit scilicet Scatonem illum, hominem sua virtute egentem ; ut is qui in Marfis, ubi natus est, etc.* I cannot tell whence this Author took his expression, *hominem sua virtute egentem, a man who is in want upon the account of his Worth* : which seems to be entirely his own. But the Person, *Scato the Marfian*, I believe was brought hither from Philipp. xii. 11. *Cn. Pompeius, Sexti filius, consul, me praesente, cum essem tiro in ejus exercitu, cum P. Vettio SCATONE, duce Marforum, inter bina castra collocutus est.*

Cap. xlv. *Si auctoritatem quaerimus, etsi id est aetatis ut nondum [auctoritatem] consecutus sit; tamen quanta est in adolescente auctoritas, ea, propter tantam conjunctionem affinitatis, minor est putanda.* This, I think, is not *Latin*. He should have said, *tamen, quantacumque est in adolescente auctoritas: not quanta.* So pro *M. Marcello* cap. 2. *totum hoc, quantumcumque est, quod certe maximum est, etc.* Pro *L. Corn. Balbo* cap. 25. *pecuniam L. Cornelii, quae neque invidiosa est, et, quantacumque est, ejusmodi est ut conservata magis quam correpta esse videatur.* Or, *quanta quanta est: as Ad Attic. xii, 23. Sed quanti quanti, bene emitur quod necesse est.* and *Terence Adelph. iii, 3.*

*Tu, quantus quantus, nihil nisi sapientia es.*

So *quibus quibus Romanis*, *Livy xli, 8.* for *quibuscumque*, from the Nominative *qui*, i. e. *quicumque*: and *ubi ubi* for *ubicumque*, *xlii, 57.* as *qualis qualis* for *qualiscumque*: see *Cellarius Cur. Posterior. p. 236.* It is not impossible but this may have been the fault of the Transcriber, in not repeating the word *quanta*: as, on the other hand, perhaps it may have been the fault of the Author himself. But why the *Authority* of this young Priest, *L. Pinarius Natta*,

Brother-in-Law to *Clodius*, should be ever the less, as a *Priest*, because of his *Affinity* to *Clodius*, must be left to this Writer to account for. His *Testimony* as a *Witness* might indeed have been more liable to Suspicion upon the account of this *Affinity*: but his *Authority*, as a *Priest*, was affected neither more nor less by his Relation to *Clodius*, than it would have been by his Relation to *Pompey* or *Cicero*. A little higher in the same Chapter, instead of *posuerat* and *auctoritatem*, it should be read *opus erat* and *auctoritate*, as appears from what follows, *opus erat etiam scientiâ*. tho' still the passage seems to be Defective.

Cap. xlvi. *Postem teneri in dedicatione videor audisse templi*. In the words which go before these, he had owned his ignorance in the *jus Pontificium*: “or, says  
 “ he, had I been acquainted with it, I  
 “ would have dissembled my knowledge,  
 “ lest I should be troublesome to others, or  
 “ to you seem too prying and curious:  
 “ tho' indeed, continues he, there are  
 “ many things in your Science which get  
 “ abroad and come to our hearing:” of which he gives the Instance just quoted,  
 I think



*I think I have heard, that in the Dedication of a Temple it is necessary that the Post of it should be taken hold of. How is it possible that Cicero, who had so perfect a knowledge of the Customs of his Country, could talk in this idle manner, and mention, as a kind of Secret or Hearsay, a thing which every Boy at Rome did, or might, know? For the Dedication of a Temple was a Public Ceremony, performed before the People, as appears from this passage of Plutarch in the Life of Poplicola p. 104. speaking of the Dedication of the Capitol by M. Horatius Pulvillus: ἡθροισμένων πάντων εἰς τὸ Καπιτώλιον, ὃ μὲν Ὀργάνῳ, etc. all the people being assembled at the Capitol, after silence was made, Horatius, having performed the other Ceremonies, and taken hold of the Door, as is customary, pronounced the Form of words appointed in Dedications. Nay, the Persons who were to perform the Office of the Dedication, both the Priest and the Magistrate, were appointed by the People, as you may see in Cicero himself Ad Attic. iv, 2. and Livy ix, 46. and several other places. see too this Oration cap. 49. 50. 53. If this be not hospitum esse and peregrinari in sua patria, I do not know*

what is. And indeed this passage, and many others in these Oration, give just reason to suspect, that the Writer of them was not an Inhabitant of *Rome*, but a *Provincial*, one who never was present at the Dedication of a Temple, and who did not speak of these matters from what He himself knew and had *seen*. The *Montani* whom (cap. 28.) he mentions as a part of the *plebs urbana* of *Rome*, greatly favour this Suspicion. For wheresoever he liv'd, he could not be ignorant that *Rome* was built and inhabited upon *Seven montes* or *hills*: whence *Septem montibus* is put instead of *Romae* by *Statius Silvar.* iv, 3. 26. Hence he might imagine and conclude, that the *plebs* or *commonalty* dwelling upon those hills, might be distinguished from those of the Lower or more Level parts of *Rome*, by the appellation of *montani*; a People, in all probability of his own Creation: for no mention is made of them under that name by any other Writer, as far as is known, who was acquainted with *Antient Rome*. So again, in the same chapter: *Scribae, qui nobiscum in rationibus, monumentisque publicis versantur, non obscurum de meis in rempublicam beneficiis suum*  
*judicium*

*judicium decretumque esse voluerunt.* Sigonius De Antiq. Jure Civ. Rom. II, 9. had observed that the *Scribes* at Rome were not a very *creditable* Order or Body of men. I have not the Book by me, so that I cannot tell what Reasons or Proofs he brings to confirm his Remark: but *Graevius* in his Note here, thinks that *Sigonius's* Observation is confuted by this passage, because the *Scribes* are mentioned next to the *Equestrian Order*. To this might be added in *Catilin.* iv, 7. (out of which, and another in *Verr.* iii, 79. this passage of our Author is made up) where the *Equites* are mentioned first; next, the *Tribuni aerarii*; and then the *Scribae*. Nay further, *Cicero* in exprefs terms does not deny them to be *ordo honestus*, in *Verr.* iii, 79. where *Hortensius* is supposed to say of the *Scribes*, *Est ordo honestus.* to which *Cicero* answers, *Quis negat?* And yet all these seeming Authorities, with this Writer's tack'd to them, are but of little weight against One plain and exprefs Testimony which I shall quote below. For, in the first place, the mention of the *Scribes* next to the *Equites* and *Tribuni aerarii*, in the passage in *Catilin.* iv, 7. was merely an *accidental* thing, owing to



their having met together that day at the *Treasury*: *Scribas item universos; quos cum CASU hic dies ad aerarium frequentasset*, etc. had they not *happen'd* to have been there that day, in all likelihood we should have heard nothing of the *Scribes* in *particular*, and as distinguished from the rest of the Citizens. Next, as to the passage in *Verr.* iii, 79. it must be consider'd, that it was not the Orator's business to disoblige a great Body of men, whom *Hortensius* would spirit up and incense against him for opposing the exorbitancy of their *Fees*, and would often be objecting to him, *Est ordo honestus*. I do not deny it, says *Cicero*: but why is it *ordo honestus*? because, *eorum hominum fidei tabulae publicae periculaque magistratuum committuntur*. whence our Author took his Thought, *qui nobiscum in rationibus monumentisque publicis versantur*. But in reality, *Cicero* speaks very slightly of them in general, both in that and the preceding Chapter, and cap. 66: tho' he allows that some of them were very honest and worthy men. But as to the *Order* or *Rank* they held in the State, we need no other Testimony than this of a great Friend and Acquaintance of *Cicero*, *Corn. Nepos*, who

who, I suppose, had no particular reason (as *Cicero* or *Hortensius* perhaps might have) to speak of them otherwise than they really were; and who in *Eumen.* cap. 1. writes thus concerning them: *Itaque eum* [Eumenem] *habuit ad manum, scribae loco; quod multo apud Graecos honorificentius est quam apud Romanos. nam apud nos revera, sicut sunt, mercenarii Scribae existimantur.* And so *Cicero* in *Verr.* iii, 78. calls a Scribe, *apparitor, parva mercede populi conductus*: and cap. 66. he sneers at the Title of *Scriba*, which they used to give themselves in their Letters, *L. Papirius SCRIBA*; and would have the *Accensi*, *Lictores*, and *Viatores*, the lowest and meanest Attendants upon Magistrates, do likewise. The same appears too from *Livy* Lib. xxxviii, 51. 55. where they are joined with the *Accensi* and *Viatores*. see also Lib. ix. cap. 46. where he gives a short account of the famous Scribe, *C. Flavius*, who was refused to be admitted as a Candidate for the *Aedileship*, because he did *scriptum facere*, or, was a Scribe. and *Suetonius* in *Vespasian.* cap. 3. speaking of the low condition of *Flavius Liberalis*, Father of the Empress *Flavia Domitilla*, says of him that he was *nec quid-*

*quam amplius quàm Quaestorio scriba, of no higher station than the Scribe of a Quaestor.*

They frequently were *Freed-men*: Horace Serm. I, 5. *Scriba quod esset, Nihilò deterius dominae jus esse*: and bought their places: Cicero *ibid.* c. 79. *mirabimur, turpes aliquos ibi esse, quò cuivis licet PRECIO pervenire?* If therefore this Author placed them next to the *Equites* as in a Post of Rank and Distinction, (as Graevius thinks he did, and very probably he did, being deceived by the passage in *Catilin.* iv, 7.) it seems to me an evident Proof of his being an *Alien*, and unacquainted with the true Condition of an Order of men, of whose Inferior Station no body who *liv'd at Rome* could possibly be ignorant. Once more, cap. 45. *Non te pudet, cum apud pontifices res agatur, pontificem dicere, non collegium pontificum, adfuisse; praesertim cum tribunus plebis, vel denuntiare potueris, vel etiam COGERE?* He says that a *Tribunus plebis* had power to *compel the priests* to be present at the Dedication of a Temple. I mentioned above, that the *People* appointed the *Priest* who should perform the Ceremonial in those Dedications. but it may justly be doubted whether the Power of *Them*, or of their



their Representatives, the *Tribunes*, extended so far as to *force* any other Priest (for One only was necessary) against his Will to be present at this Office ; that is, so far as to have it in their power to *Fine* him upon his refusal : and *Dion. Halicarnassensis* Antiq. Rom. Lib. II. whose Authority is of great weight, says, as referred to by *Graevius*, that the Priests were ἀντιπένετοι, a *judiciis et mulcta immunes*, as *Graevius* explains it ; that is, *exempted from the Courts of Civil Judicature, and from Mulcts* : tho' it is certain that the Priests, as *such*, were subject to *Fines* laid upon them by the *Pontifex Maximus* : of which see two notable Instances in *Livy* Lib. xxxvii, 51. xl, 42. and another in *Cicero* Philipp. xi, 8. where nevertheless the *Mulcts* inflicted upon the *Priests* by the *Pontifex Maximus*, were remitted by the *People*. But why ? Because in all those Three Cases, the *Civil Government* was interested in the Dispute, the Subject of which was a *Magistrate* or *Officer* of the *State* (see the passages) as well as a *Priest* : and therefore the Appeal was made to the *People* as a Party concern'd. But ordinarily, the *Priests*, in Religious matters, seem to have been under the im-

mediate

mediate Power of none but the *Pontifex Maximus*; from whose Sentence however, in *mixt* Cases, as the abovementioned were, if they thought themselves aggrieved, they could have resort to the *People*; who then, as Judges, had a Right either to confirm or invalidate the precedent Sentence of the *Pontifex Maximus*. and the Determination of the People in all the aforesaid Instances was, That the *Priest* should obey the *Pontifex Maximus*. I mention this, that it may be enquired into more carefully, and Instances sought after. For if the *Tribune's* Power did not (and I believe it did not) reach so far as to *force* or *compel* the *Priests*, as *such*; the Ignorance of the Author in this matter will be another strong Proof that he was not an *Inhabitant* of *Rome*. But to return to the passage I was upon, *Postem teneri in dedicatione videor audisse templi*: which is followed by, *ibi ENIM postis est ubi templi aditus est, et valvae*. What can be the Design of the *Proof* in this Humble Sentence? The *Rational* (*enim*) seems to stand there just to as much purpose as it does above, cap. 32. *nihil ENIM poterat dicere, quare rata non essent, quae erant acta in ea republica, in qua* etc. in  
which

which places the Masters of *Logic* would do a kind thing if they would lay their heads together, and help us out. He seems to mean *autem* in both the passages.

Cap. lviii. *non* (me) *tectorum excisio—permovet: domo per scelus ereptâ, per latrocinium occupatâ—carere sine—meo dedecore ac dolore, non possum.* These words, which I have joined together, are separated in the Original by the intervention of several others: but they are in the same Period; which being a pretty long one, the Contradiction or Inaccuracy is no more than might be expected from such a Forgetful Writer as this. In the former part of the Sentence he says, that *the destruction of his TECTA (houses) gives him no great uneasiness*: but in the latter, that *he cannot be deprived of his DOMUS (house) without the greatest disgrace and grief.* Pray where lies the difference between *tecta* and *domus*, that the former should give him so little concern, the latter so much? Had *tecta* signified *country-houses*, and *domus* an house *in the city*, (which is the thing he meant) some reason might have been given for what he says. but as there is no such Distinction

in



in the *Latin* Tongue, the *teetorum excisio*, which gives him *so little* uneasiness, comprehends the *destruction* of *ALL* his houses; consequently, among the rest, the destruction of his *domus* too, which gives him *so great* uneasiness. and indeed his *City-house* (*domus*) upon mount *Palatine*, was *excisa*, *demolished*, burnt and plundered, as effectually as any of his other *teeta*, his *Formianum*, *Tusculanum*, or *Suburbanum*: as, on the other hand, his *Country-houses* (*teeta*) were *per scelus erepta* and *per latrocinium occupata*, as much as his House at *Rome*. The great oversight of the Author lies in his having omitted *ceterorum* before *teetorum*, and *urbanâ* after *domo*.

Ibid. *ad nostrum usum propemodum jam est definita* MODERATIO rei familiaris. *Cicero*, I believe, would have written *definitus* MODUS rei familiaris. For *moderatio rei familiaris* seems to be a different thing, viz. the government or management of one's estate. But if the Language be faultless, the Subject or Matter is certainly faulty, as I noted above upon cap. 1. of the Orat. *Ad Quirit. post reditum*.

Ibid. *domo*—*per religionis vim sceleratiùs etiam aedificatâ quàm eversâ*, etc. *Per religionis*

gionis VIM, is, by the FORCE OF POWER of religion. but he evidently meant just the contrary, viz. under the SHEW OR PRETENCE of religion, that is, per SPECIEM (or *obtentum*) religionis; as these words *vis* and *species* are Oppos'd in *Livy* xxviii, 24. *et ut vim imperii abstulerant, ita speciem dicto parentium, ultro sibi imperantes, servabant.* Our Author calls it *nomine religionis* cap. 42. *quae majores nostri religionibus tuta nobis et sancta esse voluerunt, ea iste non solum contra religionem, labefactavit, sed etiam ipsius religionis nomine evertit.* And from this last passage, another, I believe, may be restored, which is to the same purpose, cap. 53. *quod in naufragio reipublicae——dirueris, aedificâris, religione omni violatâ, religionis tamen nomine, contaminâris.* Instead of *religionis tamen*, in the Editt. before *Graevius* it was *reip. tantum.* the last word was changed into *tamen* by *Manutius* from Conjecture, and confirmed and published so by *Graevius.* and I imagine that *reip.*, which is now in all the Editions, is a mistake of the Copyer instead of *rel.* i. e. *religionis.*

REMARKS *on the* ORATION  
De Haruspicum Responsis.

I DO not find that *Cicero* in any part of his Works gives the least hint that he ever *spoke* or *wrote* an Oration upon this Subject. Even *Dio* Lib. xxxix. the only Author, I believe, who gives any account of this affair, tho' he says that *Clodius* turn'd the *Answer* of the *Haruspices* (concerning *The Profanation of Sacred and Religious places*) against *Cicero*, for rebuilding his House upon its former *Area*, which *Clodius* had consecrated to the Goddess *Libertas*; yet he is silent as to any *Reply* or *Speech* made by *Cicero* upon this head. But *Asconius Pedianus*, who flourished long before *Dio*, clearly and without any Doubt quotes it as *Cicero's*, in his Comment upon this Fragment of the Oration *pro C. Cornelio*, p. 132. Ed. *Lugd. Bat.* 1675. (in the Edition of *Graevius* it is Tom. vi. p. 961.)

*P. Africanus ille superior, non solum a sapientissimis hominibus, qui tum erant, verum etiam a seipso, saepe accusatus est, quod, cum Consul esset cum T. Longo, passus esset tum primum a populari confesso senatoria subsellia sepa-*



*separari.* Upon which, after having first mentioned, out of *Valerius Antias* the Historian, the Year when this assignment of distinct Seats for the Senators took place, he comments thus: “ et videtur in hac  
 “ oratione hunc quidem auctorem (*Vale-*  
 “ *rium Antiatem*) secutus Cicero, dixisse, *pas-*  
 “ *sum esse* Scipionem secerni a cetero confessu  
 “ spectacula senatorum. in ea autem, quam  
 “ post aliquot annos habuit *De Aruspicum*  
 “ *Responso*, non *passum esse* Scipionem, sed  
 “ ipsum auctorem fuisse dandi eum locum  
 “ senatoribus, videtur significare. Verba  
 “ ejus haec sunt:” *Nam quid ego de illis*  
*ludis loquar quos in Palatio nostri majores ante*  
*templum Matris Magnae fieri celebrarique vo-*  
*luerunt? quibus primum ludis ante populi*  
*concessum (leg. confessum) senatui locum P.*  
*Africanus II. Cos. et collega ejus Sempronius*  
*Longus, hoc tributum esse senatui scribit, sed*  
*sine mentione Megalensium.* “ Aediles enim  
 “ eos ludos facere soliti erant. votivis ludis  
 “ factum tradit, quos *Scipio et Longus Cos.*  
 “ fecerunt.” There are very considerable  
 differences between the present Text of the  
 Oration (cap. xii.) as it is in the Editions,  
 and this of *Asconius*, which seems to be  
 Defective, and to want *dederunt*, and some-  
 thing

thing besides, after *Sempronius Longus* : and the following words, *hoc tributum esse senatui scribit, sed sine mentione Megalensium*, ought not to have been marked as the words of *Cicero* ; for they are *Asconius's*. lastly, before *votivis ludis* the Name of some *Author* or *Historian* (perhaps *Clodius Licinius* : see *Livy* xxix, 22.) seems to be wanting. Those who are more curious, and are desirous to examine further into this matter than at present is to my purpose, may look into *Livy* Lib. xxix, 22. xxxiv, 43, 53. (from which last passage it appears that instead of *T. Scribonius Libo* in *Asconius*, it should be written *L. Scribonius Libo* : see Lib. xxxv, 10.) and xxxvi, 36. But it is very observable, that the Reason for which *Asconius* quotes this passage of the Oration *De Haruspicum Responso*, is a strong Argument against its being *genuine*. for he quotes it to shew that it *contradicts* another place of *Cicero*. If you except manifest *Anachronisms*, such as, when a supposed Author speaks of things which did not happen till after his Death ; you can scarce have a better Proof of the *Spuriousness* of any Piece, than its *contradicting* the genuine Writings of the Author whose

Name

Name it bears \*. And the same in a lower degree holds good with respect to the testimony of *Quintilian* concerning this Oration. For he, speaking of Rhetorical Proofs taken from *Examples*, says, That some Writers under this head place the *Authority of the Gods*,

\* *Asconius* accounts for the Difference thus: *Non praeterire autem vos volo, esse oratoriae calliditatis, ut, cum opus sit, eisdem rebus ab utraque parte, vel a contrariis, utantur. nam cum, secundum Ciceronis opinionem, auctore Scipione consule, Aediles secretum ante omnes locum spectandi senatoribus dederint; eodem illo facto Scipionis, in hac quidem oratione, quia causa popularis erat, premebaturque senatus auctoritate, atque ob id dignitatem ejus ordinis quam possit maxime elevari causae expediebat, poenituisse ait Scipionem quod passus esset id fieri: in ea oratione De Aruspicum Responso, quia in senatu habebatur cujus auribus erat blandiendum, et magnopere illum laudat, et non auctorem fuisse dandi, nam id erat levius, sed ipsum etiam dedisse dicit.* This method of reconciling contrarieties by the help of the *oratoria calliditas*, as *Asconius* calls it, if admitted, will make it almost an impossible thing ever to fix a *Contradiction* or *Falsehood* upon an *Orator*. For if, consistently with *Oratory*, the same person, *Scipio* for instance, may in one place be said, *to have been SORRY that he SUFFERED a thing to be DONE*, and in another place of the same Author may be said, *to have been the person who DID that very thing*; it will seem to follow, that *Oratory* and *Falsehood* are only different Names of the



Gods, exprest in their *Answers*, either by *Oracles*, or by the *Vates*; which those Writers look upon as a leading Proof. This, says he, is *scarce*: nevertheless; *Cicero* makes use of it in a Piece Concerning the An-

same Thing; and that the antient Definition of an *Orator*, *Vir* *BONUS*, *DICENDI* *peritus*, might as well have been, *Vir* *MALUS*, *MENTIENDI* *peritus*. But it is pleasant to observe, that *Asconius*, while he is excusing the Author for *contradicting* the true *Cicero*, has himself in that Note fallen into a manifest Contradiction, as you will see by comparing his words. in the former part of the Note he writes thus: *in ea autem [oratione] quam post aliquot annos habuit De Aruspicum Responso, non passum esse Scipionem, sed ipsum auctorem fuisse dandi eum locum Senatoribus, videtur significare.* in the latter, thus: *in ea* (add *autem* to the Context, as above) *oratione De Aruspicum Responso — et magnopere illum [Scipionem] laudat, et non auctorem fuisse dandi, (nam id erat levius) sed ipsum etiam dedisse dicit.* So that according to *Asconius* in this Note, *Cicero* in the same Oration says, *Scipionem auctorem fuisse dandi*, and, *Scipionem non auctorem fuisse dandi.* both which however may perhaps be true according to his own Doctrine of the *oratoria calliditas*. This Note was written very hastily. To make *Asconius* consistent with Himself, in the former place, instead of, *sed ipsum auctorem fuisse dandi*, he should have written, *sed ipsum dedisse*: and in the latter, instead of *non auctorem fuisse dandi*, it should have been, *non passum fuisse*. Examine the places and you will find it to be so.

*swers of the Haruspices*: Institut. Orat. Lib. v. cap. xi. *Ponitur a quibusdam, et quidem in parte prima, Deorum Auctoritas, quae est ex Responsis; ut, Socratem esse sapientissimum. Id RARUM est: tamen utitur eâ Cicero in libro De Haruspicum Responsis.*

The Circumstances, of this kind of Proof being *scarce*, and no Instance of it being brought by *Quintilian*, except this One, out of a Piece in *Dispute*, and liable to *Suspicion*, are by no means favourable to the Oration. and as to *Quintilian's* Judgment and Skill in discerning and distinguishing between the *Genuine* and *Spurious* Works of Authors, he has left us an Instance of it, which, if without Offence we may be permitted to speak the Truth concerning an Antient so justly celebrated and admired upon other accounts, is somewhat surprizing to us Moderns, who are wont to look upon the great Authors of Antiquity as almost exempted from those Defects to which we know ourselves to be so very liable. For he quotes as the *genuine* work of *Salust*, an Oration or Invective against *Cicero*, still extant under his Name: in which, I believe, there is scarce any Modern of a tolerable knowledge in the Manner and Writings of

*Salust*, who would not at the first Reading take the Liberty (as *Petr. Victorius* formerly did, *Var. Lect.* xv, 3.) to dissent even from *Quintilian*. and yet he quotes it in Three several places of his *Institutiones Oratoriae* (Lib. iv, 1. ix, 3. xi, 1.) as the undoubted Work of that Author. Now if *Quintilian*, who was by Profession a Teacher of *Rhetoric* and the Rules of *Oratory*, a great part of whose Life was spent in matters and Searches of this kind, could *once* be impos'd upon by a *forged* Piece; for the same Reason it is not much to be wondred at, if the same thing should happen to him a *second time*: much less is it to be wondred at, if *Asconius* should fall into the like Mistake, since it cannot reasonably be expected that He should be so expert in this part of Criticism as one whose main business it was to read carefully and examine the Works of the famous Orators. But indeed *Quintilian's* Mistake concerning this Oration may have been partly owing to the Authority of *Asconius*, whose Hearer perhaps he was, (see *Instit. Orator.* i, 7.) or at least might have met with this passage in *Asconius's* Writings. and if neither of them had any particular reason to make a careful  
 exami-



examination of this Piece, which in their time had got a place among *Cicero's* Works ; it is easy to imagine how it might happen that they quoted it as such. *Asconius* was born in the time of *Augustus*. He wrote Comments upon several of *Cicero's* Orations, for the use of his Sons. In a Note upon this Fragment of the Oration *pro M. Scauro*, p. 176. *praesertim cum propinquitas et celebritas loci suspicionem desidiaet tollat, aut cupiditatis* ; he has the following words :  
 “ Demonstrasse vobis memini me, hanc do-  
 “ mum in ea parte Palatii esse, quae, cum  
 “ ab Sacra Via descenderis, et per proxi-  
 “ mum vicum, qui est ab sinistra parte,  
 “ prodieris, posita est. possidet eam nunc.  
 “ Longus Caecina, qui consul fuit cum  
 “ Claudio †.” The Emperor *Claudius* and  
*C. Licinius Caecina Longus* (whom *Dio*  
*Lib. lx.* calls *Largus*) were Consuls in the  
 year

† *Possidet eam NUNC Longus Caecina, qui consul FUIT cum Claudio.*] Therefore *Caecina* was now alive, and this was written after his Consulship. and yet *Lipsius* upon *Tacitus Annal. xi, 33.* says, that *Caecina* was put to death in his Consulship : and, which is more strange, he quotes this very passage of *Asconius*, which proves just the contrary. What led him into the mistake concerning *Caecina's* Death, was a

year U. C. 795. which was the *second* year of the Reign of *Claudius*, 85 years after the Death of *Cicero*. But in this passage there is a very remarkable Circumstance, *viz.* that *Asconius* sets down the bare Name of *Claudius*, without the Title of *Imperator*, *Augustus*, or *Caesar*, as he was at that time of his Consulship with *Caecina Longus*. Hence it is probable that when those Notes were written, *Claudius* was *dead*; because, had he been alive, *Asconius* surely would have given him his Title of *Augustus* or *Imperator*. but *Claudius* did not die till *twelve* years after this Consulship, *viz.* U. C. 807. For the same reason, had *Asconius* written very soon after *Claudius's* Death, he should have given him the Title of *Divus*, as elsewhere he does to *Augustus*, in a Note upon the Orat. in *Tog. Cand.* p. 150. *Imp. Caesar, quem nunc DIVUM Augustum dicimus.* For *Claudius*

False Reading in *Dio Lib. lx.* where instead of *γυνὴ Κεκίνησ ὑπάτε, uxor Caecinae consulis*, it ought be read *Κεκίνησ Παίτη, Caecinae Paeti*, as had been observed long before by *Joan. Maria Catanacus* upon *Pliny Epist. iii, 16.* This wife of *Caecina Paetus* was *Arria*, well known by the Epigram of *Martial*,

*Casto suo gladium cum traderet Arria Pacto, etc.*

imme-

immediately after his Death was *consecrated* by *Nero*, and had the Appellation of *Divus* for some time, till it was taken away by the person who gave it, and discontinued till the Reign of *Vespasian*, who restored it to him. How long *Claudius* retained his *Deification* under *Nero*, I have not yet found : but we may reasonably suppose that it lasted through the *Quinquennium Neronis*, or the *Five* first years of *Nero's* Reign, before he threw off all regard to every thing that was decent and commendable ; that is, till about the year U. C. 812. After this time, it would have been unsafe for any body to mention *Claudius* with the honourable Titles of *Divus*, *Imperator*, *Augustus*, or *Caesar*. and this perhaps may have been the reason why he is simply styled *Claudius* in the passage of *Asconius*. But whether that be so or not, it is certain that these Notes of *Asconius* were written after the year 795, because he speaks of *Claudius's* Consulship with *Longus* as a thing some time *past* : and it is very probable that they were written after the Death of *Claudius* ; which will bring it to about an *hundred* years after *Cicero* : a space of Time long enough for the Forgery of these Orations.



But indeed I think there is room to be more precise in this matter, and to assign the time of their Forgery to be, between the Publication of the Works of *Valerius Maximus*, towards the latter end of *Tiberius's* Reign, about the year 786; and the time of *Asconius's* writing his *Commentations* upon *Cicero's* Orations, which we know was some time after the year 795. The reason why I think so is this. There are two or three passages in *Valerius* that are found likewise in this Oration which *Asconius* quotes as *Cicero's*. but in *Valerius*, the Language is good and proper; in the Oration, very improper, if not Barbarous: see below upon cap. ix. Now it is a most incredible thing that *Valerius* should quote *Cicero*, and correct, and not be content with, his *Latin*: but, on the other hand, it is a very probable thing that an ignorant Declaimer should steal from *Valerius*, and in endeavouring to disguise the Theft, should corrupt and spoil the Propriety of the Language. The Time too will very well admit of this Supposition. For take it at the lowest, there must be *Ten* years at the least (and there might be many more) between the Publication of *Val. Maximus*, and *Asconius's*

*Asconius's* writing his Notes. Now supposing the Orations to be a Forgery, there must be some *certain season* when they were first published and received as *Cicero's*. but the Forgery and Publication of them in the Time between *Val. Maximus* and *Asconius's* writing his Comments, if admitted, will account for all difficulties, and will shew, that the author of the Orations might take and alter the abovementioned passages from *Valerius*, and then publish his own Pieces under the name of *Cicero*, which were looked upon and quoted as such by *Asconius*, and afterwards received perhaps by *Quintilian* and *Arnobius*. whereas on the other hand, if you suppose that *Valerius* took the passage out of the Oration which he looked upon as *Cicero's* genuine Writing; what reason can be given (unless he thought *Cicero* did not write good *Latin*) why he should change the Language, and instead of *pontificatu* put his his own *pontificum scientiâ*, and *augurum observatione* instead of *augurio*? concerning which, and the other alterations, see upon cap. ix. I believe that what I have said concerning the *Time* of the Forgery of these Orations, is True. but if it be entirely False, and nothing but Surmise; the Fact or Forgery

gery *itself* is not in the least affected by it, whether it commenced *before* or *after* the time of *Valerius Maximus*; for in one or other of the Two Periods, (tho' I think the *latter* is true) these Orations were certainly *forged*. and while the rest of *Cicero's* genuine Works are extant, and these Pieces have such an intrinsic and essential *Dissimilitude* to *Cicero* in Expression and Sentiment; and while the Copies agree in so many grievous *Mistakes* of different kinds which at present we find in them, without any room for Verbal Criticism upon the Context, or for Suspicion of the errors of transcribers; in spite of all Testimonies in their behalf, they will bear a perpetual, and, I think, unanswerable Testimony against themselves. For if it be said, That they might originally be written by *Cicero*, but that in process of time, thro' the Negligence of Transcribers, or the Interpolation of others, the *exceptionable passages* may have *crept* into the Context: It may be answered, That upon this Supposition, a *False Inscription* too of the Orations may likewise have *crept* in; and that instead of being the Writing of *Cicero*, they might *originally* have been the Performance of *Thuseus*, or

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*Murrhedius*, (two Declaimers of memorable Stupidity in the time of *Augustus* and *Marcus Seneca*) or of any other Author; and the Name of *Cicero* prefixt to them afterwards. For if such alterations may have happened in the *Body* of the Work, can any one assign a good Reason why the same may not have happened in the *Title* and *Inscription* of it? Besides, this Objection, if admitted, will prove *too much*. For upon the same Principle it may be asserted, That the *Epistle to Octavius*, the *Responsio in Crispum Salustium*, and the Oration *Ad Populum et Equites Romanos, antequam in exilium iret*, which I believe every body now looks upon as *spurious*, (notwithstanding this last is quoted, as good Authority, by Two \* great Critics in the *Latin* Tongue) were originally *Cicero's*. for the MSS agree in ascribing them to Him; and it may be said with equal Reason, that the passages in them which are unworthy of *Cicero*, may have come in from a later Hand. So that, take which Side you will, *hæc canis, hæc lupus, aiunt*. For if you will insist

\* *Borrichius* Cogitat. De Variis Latinae Linguae aetatibus, p. 192. *Hafniae*. 1675. and *Verstius* De Latinitate Selecta, p. 63. *Berolini*. 1738.

upon it, that great alterations may have been made in the *Body* of the Orations; an Adversary, with as much reason, will insist upon it, that the same may have happened in the *Inscription* of them; and that therefore *Cicero's* Name may have been placed before Works not his own originally. But if you chuse the other Side, and say, that the Orations, allowing for the Common Errors of Transcribers which happen to all other Works, are pretty much in the same condition in which they were left by the Author of them; an Opponent will desire no more: for then from the Numerous Mistakes of all kinds he will be able to prove, that they could not be written by *Cicero*. But let us proceed from *Reasonings* to *Facts*, which perhaps may be more convincing.

Cap. i. *duobus* INCEPTIS *verbis* etc. I believe no other *Latin* Author ever express'd this Sense in this manner: and I am satisfied that *Cicero* would not, (no more than he would have written *impudicam impudentiam* just before) but would rather have said, *duobus* PRIMIS *verbis*: as *Famil. ix, 19. ego autem* PRIMIS *tribus verbis, Quid noster Pactus?* In the next words of  
the

the Oration, he tells us that *Clodius* immediately upon this, *se EXCURIA repente PRORIPUIT*, hurried out of the Senate-house. But cap. iv. he gives a very different account of the same thing: *voce tantum attingi legum initium*, *CONSEDIT ille*, *conticuit*: he sat down and held his tongue, tho' I see that *Manutius* in his Note (in the Edition of *Graevius*) upon the words *duobus inceptis verbis*, brings this passage, and quotes it, *CONCIDIT ille*, without mentioning any Variety in the Copies. If this Reading were confirmed from MSS, it would acquit our Author here. and very probably he might write *concidit*, and take it out of *Ad. Attic. I, 16.* concerning this same *Clodius*: *magnis clamoribus afflictus conticuit ac CONCIDIT.*

Cap. iii. *T. Annio (Miloni) devota et constituta illa hostia esse videtur.* This Oration is supposed to have been spoken in the year U. C. 697. But *Clodius* was not kill'd by *Milo* till the 19<sup>th</sup> of Jan. U. C. 701. So that he here foresees, above Three years before the thing happened, that it would be so. for the words *hostia*, *devota*, *constituta*, and *consecratum Miloni* (cap. 4),  
plainly



plainly intimate that *Clodius* was to be kill'd, or fall a *Sacrifice* to *Milo*. *Cicero* indeed in a Letter to *Atticus*, written the year before this, Lib. iv. Epist. 3. says, *reum Publium* (*Clodium*), *nisi ante occisus erit, fore a Milone puto. si se inter viam obtulerit, occisum iri ab ipso Milone video. non dubitat facere; prae se fert; casum illum nostrum non extimescit*. But it must be considered, that this was written in a *private* Letter, to an intimate Friend, from whom he often did not conceal his most secret Thoughts and Apprehensions of things. whereas had *Cicero* uttered those words of the Epistle, or these of the Oration, in the *Senate*; his Hearers might reasonably have pronounced him to be either a Fool or a Madman.

Cap. v. *Eaque sacra, quae VIRI oculis, ne imprudentis quidem, adspici fas est, non solum adspectu VIRILI, sed flagitio stuproque contaminarit*. What need was there of the word *virili* when he had just before put *vir*? was there any danger lest a *vir* should defile the Sacred Rites *adspectu MULIEBRI*, or *adspectu EQUINO*? He himself wrote better in the Orat. pro *Domo sua* c. 40.  
qui

qui non solum adspectu, sed etiam incesto flagitio et stupro polluit ceremonias. You will not find in Cicero, or any other good and accurate Writer, any such Idle word as this: or as this cap. xii. *videmus UNIVERSI repente examina tanta servorum immissa in populum Romanum* etc. If instead of *universi* he had put *pauci*, it would have been equally to the purpose. Or this, cap. xx. *Hic verò, de quo ego IPSE tam multa nunc dico, prob Dii immortales, quid est?* There does not appear any manner of occasion for the Emphatical word *ipse* in that place. Or this, pro *Domo sua* cap. 51. *Si quid deliberares,—tamen, instituto CETERORUM vetere, ad pontificem detulisses.* Can any body tell what *ceterorum* has to do there? These are marks of a Writer of low Genius, and little observation. and therefore you may be surprized perhaps when you read this sentence cap. 3. concerning *Aelius Ligur*: *qui si sensit quo sese scelere devinxerit, non dubito quin sit miserimus. sin autem id non videt, periculum est ne se stuporis excusatione defendat.* This is much above his usual pitch: and it is the more remarkable here, because it follows a very Languid sentence, *Quid enim hunc per se-*

*persequar, pecudem ac belluam, pabulo inimicorum meorum et glande corruptum?* But your wonder will cease when you find the first part of the sentence borrowed from *Philippic. xiii, 17. O miser, cum re, tum hoc ipso, quod non sentis quam miser sis!* and the latter from the *Orat. pro A. Caecina cap. xi. Quid huic tu homini facias? nonne concedas interdum, ut excusatione summae stultitiae, summae improbitatis odium deprece-tur?* You see whence he had the Sentiments. though he ought not to be deprived of the praise of a good Imitation.

Cap. vi. *ne unâ quidem attigit litterâ religionis.* Instead of *religionis* put *de religione*, if you have any regard to *Cicero. Orat. pro Cluentio cap. 65. in quibus tabellis, DE FURTO littera nulla invenitur: not FURTI littera nulla.* So just after in the same Oration: *DE EO quod quaerebatur verbum nullum fecit: not, verbum EJUS quod querebatur.* This Author seems to write in the same manner *pro Domo cap. 50. unum ostende verbum CONSECRATIONIS: for de consecratione.*



Ibid. *L. Claudius, rex sacrorum.* See what is observed upon this above, p. 17, 18. Could one who liv'd at Rome be ignorant of a thing so notorious as this must needs be? I think it is impossible. tho' one who liv'd in *France, Spain,* or any of the more distant *Provinces,* easily might.

Cap. ix. *qui statas solemnesque ceremonias, pontificatu; rerum bene gerendarum auctoritates, augurio; fatorum veteres praedictiones Apollinis vatum libris; portentorum explanationes, Etruscorum disciplinâ contineri putarunt.* This is the passage which *Val. Maximus* is supposed to have transcribed, Lib. I. cap. i. *Majores nostri statas solemnesque caeremonias, pontificum scientiâ; bene gerendarum rerum auctoritates, augurum observatione; Apollinis praedictiones, vatum libris; portentorum depulsa, Etruscâ disciplinâ explicari voluerunt.* If *Valerius* borrowed this from *Cicero*, it should seem that he has greatly improv'd the Language of *Cicero*, and was by much the better Writer. For what in the Oration is *pontificatu*, in *Valerius* is *pontificum scientia*; which is rightly express'd. but *pontificatus* never signi-

fies the *science, discipline, or skill* of a *pontifex*; but his *Office* only: as *auguratus, tribunatus, consulatus*, etc. never signifie the *skill or knowledge* of an *Augur, Tribune, or Consul*; but merely his *Post*. Again, in *Valerius* we find *augurum observatione*; in the Oration, *augurio*. This may seem to be somewhat more tolerable, because this signification of the word is to be met with in *Virgil Aen. ix, 328*.

*Sed non augurio potuit depellere pestem:*

where *Servius*: *Augurio* hic pro *scientia augurii*. and so I suppose it is to be understood *Aen. I, 396*.

*Ni frustra augurium vani docuere parentes.*

But it is a wonder that the Author did not keep to the same Form in Both words, and write *auguratu* as well as *pontificatu*, since the Reason is the same in Both. Once more: in *Valerius* it is well and simply expressed, *Apollinis praedictiones*: in the Oration, *fatorum veteres praedictiones Apollinis*; the two first words of which seem to be entirely needless. unless *Apollinis* is to be joined to the following, *vatum libris*. in which case, *veteres* and *Apollinis* will be  
but

but of little use. If any unskilful hand had made it his business to disguise the passage of *Valerius*, and to alter it with a design to make it pass for his own; he could not have done it more effectually than by changing it into the Form in which it stands in the passages I have mentioned. And in truth there is reason to suspect that this was the very case, and that the Author of the Oration took this Sentence from *Valerius*, not *Valerius* from *Cicero*. For there was time enough for the Forgery of this Oration between *Val. Maximus* and *Asconius Pedianus*, the first Author who quotes it as *Cicero's*. For *Valerius* wrote towards the end of *Tiberius's* Reign, suppose about the year U. C. 786. three years before the Death of that Emperor. but *Asconius*, as I said before, probably did not write these Notes upon *Cicero* till towards the year U. C. 812. So that the Forger of this Oration *De Haruspicum Responsis* might borrow this Sentence from *Valerius*, and publish this piece under the Name of *Cicero*; and before *Asconius* wrote his Annotations it might have been received as the Work of *Cicero*. For at that time nothing was more common than this kind of Frauds; and the



Age was so far gone in *Indolence*, and the necessary consequence of it, *Ignorance*, that the Declaimers imposed upon it just what they thought fit, without any Danger of being detected, as *Marcus Seneca*, who lived about that time, complains in *Prooem. Lib. I. Controversiarum*: *Sententias a disertissimis viris factas, facile, in tanta hominum desidia, pro suis dicunt.* and soon after he says, That the most famous and great Declaimers (all whom he had heard) either left nothing behind them in writing; or, which was worse, the Pieces which then pass'd under their Names, were *forgeries*: *Fere enim aut nulli commentarii maximorum Declamatorum. extant; aut, quod pejus est, FALSI.* And what further strengthens the Suspicion that this Author had been dabbling in *Valerius Maximus*, is a passage in *Orat. pro Domo sua cap. 38. Sp. Melii, regnum appetentis, domus est complanata. Ecquid aliud? aequum accidisse Melio populus Romanus judicavit, nomine ipso Aequimelii: stultitia poenâ comprobata est.* *Val. Maximus vi, 3. 1.* in the Chapter *De Severitate*, after he had spoken of the Crime of *Sp. Cassius*, adds his Punishment: *Senatus enim populusque Romanus, non contentus capitali eum supplicio*

*supplicio afficere, interemto domum superjecit; ut penatium quoque strage puniretur. in solo autem aedem Telluris fecit.* Then he comes to *Sp. Melius: Eadem ausum Sp. Melium, consimili exitu patria multavit: area verò domus ejus, quo justì supplicii notitia ad posteros perveniret, Aequimelii appellationem traxit.* The Author of the Oration makes *Aequimelium*, or the *area* upon which *Melius's* House stood, to be so called, because *AEQUUM accidit MELIO*, *Melius met with a JUST punishment.* This is a ridiculous and childish Etymology, and contains nothing *peculiar* to *Melius*, since the punishment that falls upon *any* Traitor or Malefactor does *AEQUUM accidere*, or *be-fall him JUSTLY*: and the *Spot* of ground whereupon *Manlius Capitolinus* fell when he was thrown from the *Tarpeian Rock*, or his confiscated *Lands*, if he left any, might with as much Propriety have been called *Aequimanlium*. of which appellation if any body should have enquired the reason, it would have been but a foolish and unsatisfactory Answer, to say, Because a *just* punishment befell *Manlius*; *AEQUUM accidit MANLIO*. A better and more true Etymology is given by *Varro De Ling. Lat.*

Lib. iv. p. m. 37. *Aequimelum, quod aequata Melii domus publicè, quod regnum occupare voluit is: and by Aurel. Victor cap. xvii. in L. Quinct. Cincinnatus: Spurium Melium, regnum affeclantem, a Servilio Abala, magistro equitum, occidi jussit. domum ejus solo aequavit: unde locus ille Aequimelum dictus.* But the Grammatical and exact account of the word seems to be that of *Hottoman*, viz. that *aequum* is *plancies*: and that the *area* or *void Space* where *Melius's* House stood, was at first called *aequum Melii*, *Melius's Level*; and afterwards *Aequimelum* in one word. This is natural and rational. But our Author seems to have taken the hint of his Derivation of the word from the passage of *Valerius, quod JUSTI supplicii notitia ad posteros perveniret, Acquimelii appellationem traxit*; as if *Valerius* had said that the place had its name from the *just* punishment of *Melius*. and then, because *justum* and *aequum* are often equivalent, hence he took the opportunity of improving upon *Valerius*, and instead of his *justi*, put his own *aequi*, which would come nearer and make a more plausible Etymology of *Aequimelum*. But *Valerius* knew very well that this was False,



as appears from his own words. For *justi* in him has no relation or allusion to the *Etymology* and Signification of *Aequimelum*, and only expresses *his own* private opinion, as a Narrator, that *Melius's* punishment was a *just* one : *The area of his House*, says he, *had the name of Aequimelum, whereby posterity might be informed of his punishment* (viz. his *Death*, and the *levelling* of his House), *which was a just one*. So above, in the same Chapter, speaking of the punishment of *Manlius* : *cujus justae ultionis nimirum haec fuit praefatio*. where *justae* in like manner declares the private judgement of *Valerius* himself. It is impossible that this account of the word *Aequimelum*, so manifestly False, could come from *Cicero*. but it is the trifling *color* of a Declaimer, founded, I believe, upon the mistaken sense of *Valerius Maximus*. Whoever will compare this Chapter of the Oration with that Section of *Valerius*, will find a great Similitude in the Sense and Expressions, and the same Examples in both. Thus what in *Valerius* is, *Par indignatio civitatis adversus Sp. Cassium erupit*, in the Orator is, *Sp. Cassii domus ob eandem causam everſa*. In the former, *in solo autem ae-*

*dem Telluris fecit* : in the latter, *in eodem loco aedes posita Telluris*. In the former, *M. Flacci et L. Saturnini — corporibus trucidatis, penates ab imis fundamentis eruti sunt* : in the latter, *M. Flaccus — et Senatûs sententiâ est interfectus, et ejus domus eversa et publicata est*. Then immediately follows in the former, *Ceterum Flacciana area, cum diu penatibus vacua mansisset, a Q. Catulo Cimbricis spoliis adornata est* : as it follows immediately in the latter, *in qua* [here his pen slipped ; he meant, and should have written, *in cujus area*] *porticum post aliquanto Qu. Catulus de manubiis Cimbricis fecit*. Here is a manifest Borrowing on one side or the other : and let any body judge whether it be likely that Cicero could write this last mentioned piece of nonsense, and put *in qua domo* for *in cujus domûs area*.

Cap. xi. *An, si ludius constitit, aut tibicen repente conticuit, aut puer ille patrimus et matrimus si terram non tenuit, aut thesam aut lorum omisit ; aut, si aedilis verbo, aut simpulo aberrârit, ludi sunt non rite facti, eaque errata expiantur, et mentes Deorum immortalium ludorum instauratione placantur* : etc. *Arnobius adv. gentes Lib. iv. p.*

148. *Lugd. Bat.* 1651. *In ceremoniis vestris rebusque divinis postulationibus locus est, et piaculi dicitur contracta esse commissio, si per imprudentiae lapsum, aut in verbo quispiam, aut simpuvio deerrarit, aut si cursu in solennibus ludis, curriculisque divinis: commissum omnes statim in religiones clamatis sacras, si ludius constitit, aut tibicen repente conticuit: aut si patrimus ille qui vocitatur puer omisit per ignorantiam lorum, aut terram tenere non potuit.* The passage of *Arnobius* is plainly taken from the Oration, but not quoted by him as *Cicero's*: and therefore proves nothing more than that the Oration was more antient than *Arnobius*; which no body denies. But this is no more a proof of its being written by *Cicero*, than by *Hortensius* or *Curio*. tho' I allow that in *Arnobius's* time it might be read as *Cicero's*, and very probably he might look upon it as such.

Cap. xii. *id cum ipsum SIBI monstrum est, etc.* A genuine Roman would have written *ipsum PER SE monstrum est*: as this Author himself does cap. 17. *hoc quid sit, PER SE ipsum non facile interpretor.* *Cicero De Legg. iii, 14. est magnum hoc PER SE ipsum*



*ipsum malum.* Can this be the writing of a Native of *Rome*? For if the Author thought that *sibi* might be used here as it is in the noted passage of *Terence*, *suo SIBI bunc jugulo gladio*; he mistook the matter widely.

Cap. xiii. *ne hoc quidem tibi in mentem veniebat, Sibyllino sacerdoti, haec sacra majores nostros ex vestris libris expetisse? si illi sunt VESTRI, quos tu impia mente conquiris, violatis oculis legis, contaminatis manibus attrectas.* Did it never so much as enter into the thoughts of You who are one of the *Quindecemviri* appointed to inspect the Writings of the Sibyls, that our Ancestors took these Sacred Games out of your Books? if those are YOUR Books, which you search into with an impious Mind, (or Intention), read with defiled Eyes, and handle with polluted Hands. What can he mean? Were the *Sibylline Books* ever the less *Sibylline Books* because *Clodius* the *Quindecemvir* was a very bad man, and searched into them with an impious mind etc? For if the Books were the same in themselves (as they certainly were), whatever kind of men, Good or Bad, the Inspectors of them (the *Quindecemviri*) were; the Doubt which is  
here

here raised, *si illi vestri sunt* etc. serves to no purpose either of Sense or Reasoning, and seems to be nothing but Words and Nonsense carried off with an air of Oratory and the Show of saying Something. In reality this is the case. Nor is the Language, *quos (libros) tu impia mente CONQUIRIS*, better than the Sense. The *Latin* expression of what he intended, is, *ADIRE* or *INSPICERE libros Sibyllinos*: of which there are many Instances in *Livy*, *Cicero*, and other Writers. but *conquirere libros* is a very different thing, viz. *to get together books* that are dispersed or hidden. In cap. 15. he has another unusual signification of this word: *et conquirimus, Dii immortales quae loca desiderent, quid significent, de quo loquantur?* instead of *quaerimus*. Lastly, what is the meaning of *VIOLATI oculi*? violated by *whom*, or by *what*? The Sacred Rites of *Bona Dea* were violated by *Clodius's Eyes*: but no body, except this Writer, would have said that *Clodius's Eyes* were violated by the Sacred Rites. When a person breaks or commits violence upon the Laws of the Land, it is the *Laws* that are said to be violated, not the person who breaks them. But this Author confounds the

the use of Language, and transfers to the *Agent* what belongs to the *Patient*; *oculi violati*, instead of, *oculi qui violarunt*. Could *Cicero* return from his Grave, and see such things as these imposed upon the world for his Writings, what Grief and Indignation would it occasion him !

Ibid. *Sed ut ad haec haruspicum responsa redeam: ex quibus est primum de Ludis: quis est, qui id non totum in istius ludos PRAEDICTUM et responsum esse fateatur? Who is there who can deny that the whole of it is FORETOLD and answered concerning Clodius's Games? The Responsum or Answer of the Haruspices was, cap. x. Ludos minus diligenter factos, pollutosque: that the Games had been negligently exhibited, and polluted. Upon this the Author descants in the following chapters, and shows, that this Answer can relate to nothing but the Megalesian Games, which Clodius, as Aedile, was obliged to make, and had made in a manner very dangerous to the Lives and Liberties of the Roman People: hos ludos (c. 12.) servi fecerunt, servi spectaverunt: tota denique, hoc Aedile, servorum Megalesia fuerunt. and a little lower: tu in alteram*



*ram (caveam ; or rather scenam) servos immisisti, ex altera liberos ejecisti. itaque qui antea voce praeconis a liberis submovebantur, tuis ludis non voce, sed manu, liberos a se segregabant.* But is not this *prediction* of a thing *past*, very pleasant? *Tiresias*, who in *Horace* says he had learnt the art of *Divination* from *Apollo*, and as a specimen of it gives this *Responsum*,

O *Laërtiade*, quicquid dicam, aut erit,  
aut — non;

was not a greater *Conjurer* in his way than our Author's *Haruspices* are, who *foretel*, not in the *Vulgar* method, concerning things *future*, but concerning things which are *already done and over*. And this is the Author whom *Asconius Pedianus* quotes for *Cicero*. Instead of *praedictum*, he meant *dictum*. but this is his manner of putting a *Compound Verb* of a quite different signification, instead of its *Simple*, as I noted above, *Ad Quirit. post red. cap. v.*

Cap. xv. *quo pulvinari? quod stupraras.* This I believe is *Latin* of his own *Invention*. For *stuprare*, as far as I can find, is always joined to *Persons* (as *stuprare matronas, virgines, pueros, etc.*) never to  
I Things.

*Things.* He should have written, *cui stuprum intuleras*, out of the *Orat. in Pison. cap. 39. emissus etiam ille auctor tuus provinciae, cum stuprum Bonae Deae pulvinaribus intulisset*: as he himself writes above, *cap. v. qui pulvinaribus Bonae Deae stuprum intulerit.* and *pro Domo cap. 40. stupro polluit* (not *stupravit*) *ceremonias.*

Cap. xviii. *An tibi luminis obesset caecitas plus, quàm libidinis?* I mentioned this before, as a master-piece of nonsense. He would have said, *Could ABSENCE (or want) of Light be more hurtful to you than absence of Lust?* i. e. Would it not have been better for you to have been *blind*, than out of *Lust* to have been guilty of such an impious action? But supposing *caecitas luminis* may signifie (as I am pretty sure it cannot) *absence of light*, yet I am certain that *caecitas libidinis* can no more signifie *absence of lust* than *caecitas divitiarum* can signifie *poverty* or *absence of riches*. In the sentence which goes before, *Quis ENIM ante te sacra illa vir sciens viderat*, etc. I should be glad to know what may be the design of *enim*, and what is to be *proved*. Here is a clear instance of great Weakness  
of

of Head in this Writer. in the foregoing words, instead of, *ut opinio illius religionis est*, he should have put, *ut FALSA opinio illius*, etc. and then the Reasoning would have been good, *Quis ENIM ante te sacra illa vir sciens viderat, ut quisquam poenam, quae sequeretur illud scelus, scire posset?* and so he writes *pro Domo* cap. 40. concerning this very thing: *Ex quo intelligitur, multa in vita FALSO homines opinari; cum ille, qui nihil viderat sciens quod nefas esset, lumina amisit*; etc. rather *amiserit*, because of *cum*; and *sit conversa*, just after, instead of *est conversa*. In the sentence which follows this I am upon, speaking of *App. Claudius Caecus*, he calls his eyes, *conniventes oculos*: which is very Improper, or rather False. For *conniventes oculi* are those which are sometimes *shut* and sometimes *open*. now this *Appius* was *totally* blind, and his eyes were always shut. but *connivere*, to *wink*, does not signify *to be blind*. This Author's Ignorance or Affectation misleads him pitifully. The latter was strongly upon him when he wrote cap. xx. *quod Dii omen OBRUANT!* instead of *avertant*, as *Cicero* always writes. see *Philipp.* iii, 14. *pro Muraena*



*raena* c. 41. and so in innumerable other places.

Ibid. *Nam CORPORIS quidem nostri INFIRMITAS multos subit casus per se: denique ipsum CORPUS tenuissima saepe de causa de causa conficitur.* For the infirmity of our body is of itself liable to many accidents: lastly, our body itself often is dispatched by some very slight cause. The simple quoting of this passage is sufficient to shew the weakness of it. For what is *the infirmity of our body*, in the first sentence, but *our infirm body*: and what is *our infirm body* but *our body itself*, in the second? But according to this Writer, the *Infirmity* of our body (which is only an *Accident* of it) is to be considered as a Being distinct from the *Body itself*. So that *Man* will consist of *Three* parts, *Infirmity*, *Body*, and *Soul*.

The same size of Skill in *Arguing* appears cap. xxii. where he says, That *Clo dius's manner of acting* does not surprise him in the least: but that he cannot help being surprized, in the first place, that men of the greatest characters for *Wisdom* and *Gravity*, should readily suffer one who has deserved so well

*well of the Public as Himself hath done, impurissimi voce hominis VIOLARI, to be HURT by the language of a most impure fellow : and in the next place, he wonders how they can think, that the glory and dignity of any man CAN BE HURT by the revilings of such an abandoned and profligate person. But take it in his own words, and observe the polite and nervous repetition of the word homo : illos HOMINES sapientissimos gravissimosque miror ; primum, quòd quemquam clarum HOMINEM, atque optime de republica saepe meritum, impurissimi voce HOMINIS violari facile patiuntur : deinde, quòd existimant, perditì HOMINIS profligatique maledictis posse, id quod minime conducit ipsis, cujusquam gloriam dignitatemque violari. In the first article of his Wonder, he supposes or allows that himself is hurt by Clodius's railings : in the second, he says that he CANNOT BE hurt by them.*

Cap. xxiii. *tum ille——qui omnes angustias, omnes altitudines, omnium objecta tela, semper vi et virtute perfregit, obsessus est ipse domi. He is speaking of Pompey. But perfringere altitudines and tela, is so far from the Language of Cicero, that I am*

At a

persuaded

persuaded Cicero would scarce have understood the meaning of it.

Cap. xxiv. *Quid existimatis eum, si reditus ei gratiae patuerit, esse facturum, qui tam libenter in opinionem gratiae irrepat?* This undoubtedly is False Latin. for a Roman never says *redire gratiae* or *reditus gratiae*, but *redire* and *reditus in gratiam*. De Prov. Consular. cap. 20 *iis si qui meum cum inimico suo reditum in gratiam vituperabunt, cum ipsi, et cum meo, et cum suo inimico in gratiam non dubitarint redire*. Pro Milon. cap. 32. *ipsum illum qui poterat obstare, novo reditu in gratiam quasi devinctum arbitrabatur*. Ad Attic. ii, 3. *conjunctio mihi summa cum Pompeio; si placet etiam cum Caesare; reditus in gratiam cum inimicis*. But there is no need of proving *reditus in gratiam* to be true Latin; and I believe it will be impossible to prove *reditus gratiae* to be such.

Cap. xxvi. *Quae sunt occultiora quam ejus etc.* The Sense and Reasoning of this place I have examined above, p. 204.

Cap. xxvii.



Cap. xxvii. *earum templum inflammavit Dearum, quarum ope etiam aliis incendiis subvenitur.* Cicero pro Milon. cap. 27. puts it simply, *aedem Nympharum incendit*: and Paradox. iv. *aedes Nympharum manu tua deflagrarunt.* The addition and Improvement of this Author, *quarum ope etiam aliis* etc. is commendable, if it be certain that this Temple of the *Nymphs*, which *Clodius* set on fire, was a Temple of *Water-Nymphs*; there being so many other Nymphs of different Offices and Denominations.

Ibid. *aut tam eminentibus canibus Scyl- lam, tamque jejunis, quibus istum videtis — rostra ipsa mandentem.* Instead of *eminentibus* the true Reading is *imminentibus*. It is taken from in *Verr.* ii, 54. *nam ipsum Verrem, tantum avaritiâ semper hiantē atque imminenti fuisse.* The other part too is an Imitation of in *Verr.* iii, 11. where Cicero is content with a modest Metaphor, *horum canum quos TRIBUNAL meum vides LAMBERE.* But our Author makes *Clodius's* Hounds more ravenous by far. for they do not *lick* or *gnaw*, but even *EAT* the very *ROSTRA*. *Graevius* was justly offend- ed at this: and therefore instead of *manden-*

tem he conjectured *lambentem*, as in the passage last quoted. But that very Learned man does not seem to have had a true apprehension of this Writer, whose Stomach was strong enough to digest Wood, or any thing Harder, had it come in his way.

Cap. xxviii. *auctoritas principum cecidit : consensus ordinum est divulgatus etc* : I believe this is all False, and nothing but Common-Place Harangue upon *Bad-Times*, formed by the Declaimer to be made use of occasionally in any other Oration, but unsuitably stuck in here. For *Cicero* who spake the Oration for *P. Sextius* in the same year (U. C. 697.) in which this is supposed to have been spoken, gives a very different account of these matters, cap. 49. *Nunc jam nihil est quod populus a delectis principibus dissentiat : — et dignitate optimi cujusque, et universae reipublicae gloriâ deletatur.* Therefore the Authority of the *principes*, or Chief men in the Roman Government, was not lost. and cap. 50. *Nunc, nisi me fallit \**, in eo statu civitas est, ut,

\* Upon these words *Hottoman's* Note is this :  
 “ *nisi me fallit* ] Alibi sic legisse non memini :  
 “ semper sic : *nisi me animus fallit.*” He had forgotten *Ad Attic.* xiv. 12. *sed nos, nisi me fallit, ja-*  
*si*

*si operas conductorum removeris, omnes idem de republica sensuri esse videantur.* therefore the good agreement of the several Orders, or different Ranks of men in the State, was not broken.

Ibid. *cum quibusdam multis, metuendis-que rebus.* This is not an usual way of Writing, *quibusdam multis*, instead of *aliis multis*; as above, cap. v. *in quo, cum aliis multis, scriptum etiam illud est.* Nevertheless perhaps it may be defended (that this Author and I may part in good humour) by a passage in the Orat. *in Pison.* cap. iv. *collegia, non ea solum quae Senatus sustulerat, restituta; sed innumerabilia quaedam nova, ex omni faece urbis, ac servitio, concitata.* where *quaedam* must signifie *alia*, because the Sense will not admit of a Distinction

*cebimus.* Which expression the Author of the Epistles of Cicero to Brutus was not ignorant of, Epist. xxiii. p. 184. *Maximus autem, nisi me forte fallit, in republica nodus est, inopia rei pecuniariae.* So pro M. Coelio cap. 19. *sed inerat, nisi me propter benevolentiam forte fallebat, ratio et bonis artibus instituta, et cura et vigiliis elaborata.* And so it may be taken in Terence Phorm. I, 4. 42. *Ego plectar pendens, nisi quid me fefellerit, scil. animus: if I am not somewhat mistaken,*



after *innumerabilia*. and if *innumerabilia quaedam* be right, for the same reason perhaps *multa quaedam* may be so.

THUS far I have ventured upon my own Bottom, and the Reader may observe, that the passages upon which I have made these Remarks, are of *Two* kinds; *First*, such as all the MSS. are agreed in: and, *Secondly*, such as have *not been taken notice of* by the Learned men who have written upon these Orations, nor by others, that I know of. Had I been master of more Time, I would have brought a larger number of Instances of the same sort: but I did not intend to concern myself at present with this Latter part, nor did I set about it till the Former was almost printed off. This I hope will be my excuse for any slips or Inadvertencies of any kind that may have escaped me. But that I may not seem altogether Singular in finding so many objections to, and Difficulties in, these Four Pieces, (more, I believe, than are to be found in all the rest of *Cicero's* Orations put together) I have here subjoined some *Excerpta* out of the Commentators upon them in *Graevius's* Edition, Tom. iv. p.

327, *etc.* from which it will appear, that those Learned Gentlemen had sufficient reason to *doubt*, at least, concerning these Orations, had there not lain in their way a *Prejudice* which they could not get over. For when, upon the Authority perhaps of *Asconius*, and the *Consent* of the *Inscriptions* of the MSS, they had once admitted this Position as a certain and undoubted *Truth*, viz. that “ *These Orations are Cicero’s;*” all the Absurdities and Difficulties they met with afterwards, could not, and indeed ought not to hinder them from making this just Inference, “ *Therefore the many* “ and great Mistakes we find in these Ora- “ tions, agreed in by all the MSS, cannot “ be *Cicero’s*, but must come from some “ other Hand.” whereas, had they taken hold of the Argument by the other End, and had reasoned thus, “ The mistakes we “ find in these Orations are many and “ great, and agreed in by all the MSS: “ *Therefore* perhaps the Orations may not “ be *Cicero’s*, notwithstanding the Autho- “ rity of *Asconius*, and the *Inscriptions* of “ the MSS, but may come from some “ other Hand:” Had they, I say, argued in this manner, the *Premisses* would have

been much more certain, and the Conclusion equally just, because it is undeniably more possible and probable that *Asconius* might be imposed upon by a *Forgery*, than that *Cicero* should make such Mistakes as those which they mention, in which likewise the copies all agree: and if the Consent of MSS be a good Argument in one Case, why should it not be so in another, when all the Circumstances are the same? See what was said above, in the Preface to this Oration. But to come to my present Purpose: in which I shall mention only or chiefly such passages out of the Commentators as are agreed in by all the *Manuscripts*: for where there is any *Variety* in the *Reading*, I will not charge any thing to this Author, but will suppose him to be always in the right. tho' in reality, even under this head too, there are several places and circumstances that look very ill-favourably against him. I follow the Order of the Orations in which I find them in *Graevius's* Edition.

AD QUIRITES POST REDITUM.  
CAP. I. *odium — in me uno — deficeret.*]

*Deficeret* est menda. Latinos dixisse, *odium in hoc deficit*, pro, omne odium consumitur,

in



in hoc, credat Apella, non ego. Quomodo Cicero scripserit, sine meliore codice vix inuenies. Sententia postulat *satiaret*, aut *expleret*, aut tale quid. GRAEVIUS. I suppose *Graevius* wrote *satiarent* and *explerent*. The Explication of *deficeret* which he finds fault with, was *Gruter's*. There can be no doubt but the word *deficeret* came from the Author's Pen. but what other *Latin* Writer ever used it in the signification which the Sense of this place requires, has not yet been found out.

IBID. *ejus devotionis me esse convictum—laetor, Quirites.*] Ita videtur dicere, ejus devotionis me compotem esse factum; id est, quem illâ devotione fructum petivi, eum tulisse me. MANUTIUS. Who partly saw what the Sense required, but was forced to guess at the meaning of the Words. The expression *devotionis convictum* is *Latin*: see the Orat. pro *P. Sulla* cap. xv. But here it is quite wide of all Reasoning and Connexion, which ought to have been thus: *Quod precatus sum, ejus compotem me factum esse laetor, Quirites*: not, *ejus devotionis me esse convictum*; which is nothing to the purpose.

IBID. *ludi denique, et diis festi, quid haberent voluptatis, carendo magis intellexi, quàm fruendo.*] It was very improbably done of the Author, to make Cicero mention the *ludi* or *Public Games*, and the *dies festi*, among the things that he found the want of in his Banishment; since he declares in several places of his Works, that he never took any pleasure in them. see *pro Plancio* cap. 27. *pro Archia* cap. 6. *Famil.* vii, 1. *Ad Attic.* iv, 8. *Manutius* in excuse for the Author, says, “ hoc dicit fortasse temporis “ *caussa:*” and having quoted the two first mentioned passages, which affirm just the Contrary to what is said here, he adds, “ aut haec ipsa quoque tempori tributa “ *funto.*” So that Cicero, by these two different accounts, both *might be*, and *might not be* fond of the *ludi* and *dies festi*.

CAP. ii. *A parentibus, id quod necesse erat, PARVUS sum procreatus: a vobis natus sum CONSULARIS.*] Nunquam in animum inducere possum ex Tullii ore ineptissimam hanc vocem (*parvus*) hoc quidem in loco profectam esse, sed ab illis qui non intelligebant quid esset *id quod necesse erat*.  
Abest

Abest sane in codice Dresdensi τὸ *parvus*, et debet abesse, quod omnes emunctae naris homines mecum testabuntur, qui hunc locum recte perpendent. *etc.* GRAEVIUS. This is a very just Criticism upon the foolish word *parvus* in this place. Nevertheless, tho' it is certain that this could not come from *Cicero*, yet it is far from being certain that it might not come from the Author of this Oration, tempted by the Opposites, *a parentibus PARVUS, a vobis CONSULARIS*,

CAP. v. *in tribunali Aurelio centuriari*] In *Sextiana* (c. 14.) hoc sic extulit: *pro tribunali Aurelio decuriari*: ex quo intelligitur, et *pro* idem valere quod *in*, et *decuriari* idem quod *centuriari*. HOTTOMANNUS. This should be farther enquired into. for I think the Authority of this Writer is not sufficient to prove that *decuriari* and *centuriari* are of the same import, or may be put indifferently. In the Orat. *pro Domino sua* cap. v. it is, *decuriatos et descriptos exercitus*.

CAP. viii. *tum se fuisse miserum, cum careret patriâ, etc.*] Hoc quid sit, et quemadmodum



admodum Oratoris instituto conveniat, fateor me non intelligere *etc.* HOTTOMANNUS. S. Victoris (codex), et Pall. electiores, *ſi careret.* Et verò quam magis excutio nexum argumenti, tam minus invenio in hac vulgatâ. GRUTERUS. I confess I cannot ſee how *ſi* inſtead of *cum* mends the matter. *Hottoman's* Conjecture is probable, that the *Negative* may have been omitted, *tum ſe NON fuiſſe miſerum.*

CAP. IX. *male meritis, quàm optime meritis, referre quod debeas*] *Male meritis, et optime meritis,* nescio quid ſcholasticum prae ſe fert, et alienum a majeſtate Tulliana. GRAEVIUS. Here the Copies vary greatly, and therefore the Author is to be excuſed. See *Graevius's* Note.

IBID. *neque id reipublicae repetere utcumque neceſſe eſt.*] Hoc quid ſit, divinare nunquam potui. *etc.* HOTTOMANNUS. Haec fateor me non intelligere: ſicut etiam meritò *Hottomanno, Paulo Manutio,* haec viſa ſunt corrupta. Non improbo *Paulli* conjecturam. GRAEVIUS. *Manutius's* Conjecture is *petere* inſtead of *repetere.* But ſtill this is ſcare intelligible; much leſs agreeable to the Perſpicuity of *Cicero.* See too  
the

the Notes upon the words which follow soon after, *mox aperte laudatur*. upon which *Gruter* observes, Equidem in hac oratione multa sunt mendosa: quae forte MSS librorum collatione purgari possent. Sed cui otium excutere novem, decem, undecim membranas? I believe it would have been to very little purpose, if *Gruter* had collated and examined as many more Copies as those he here mentions. for the Cause of the obscurity of these Orations was not to be sought for in the Mistakes of Transcribers, and in *Various Lectiōs*; but in the Head of the Author himself.

C A P. X. *dum animā spirabo meā.*] Forte *anima mea* est interpretatio, quae irrepsit ex margine, et Cicero scripsit, *dum spirabo*, aut, *dum superabo*. Sic sane Veteres loquebantur: non, *dum animā spirabo*; aut *superabo, meā*. GRAEVIUS. In whose edition this passage (and innumerable others) is badly printed and pointed. Here too is some variation in the MSS.

I B I D. *in sententia simpliciter referenda.*] Quid sit *sententiam referre* non intelligo. HOTTOMANNUS. Recte quaerit etiam  
Manu-

*Manutius*, quid sit *referre sententiam*? GRAEVIUS. He and *Hottoman* read *ferenda*, from Conjecture. See what I noted above upon Cap. v. of this Oration, concerning this Author's Use of Compound Verbs instead of Simple. whence it is very probable, that *referenda* is the true Reading in this place, and *repetere* above, cap. ix. and *retulisti*, *pro Domo* cap. 19. in which places *Manutius* reads *petere* and *tulisti*, as the *Latin* Tongue seems to require.

POST REDITUM IN SENATU. CAP. i. *in amplissimo concilio*] *Senatu*. Quaeri tamen posset, cum *Senatores* non a populo crearentur, sed a *Censoribus* legerentur, quid est, quod *populi beneficio* se in *Senatu* collatum dicit? posset autem subtiliter responderi, nonnullos qui magistratum adepti essent, quamvis *Senatores* non essent, tamen jus in *Senatu* dicendae sententiae habuisse. HOTTOMANNUS. *Hottoman* here makes a Difficulty and raises a Question for which there does not seem to be any reason. For the Right a *Roman* Senator had to his Seat in the Senate, was ordinarily from his having born the Office of *Quaestor*, *Aedile*, *Praetor*, or *Consul*: which were called *honores*.



nores. and these honores were conferred by the People, as Electors into those Posts. so that a Senator might truly say that he was placed in the Senate HONORIBUS POPULI Romani; since his sitting there was the Consequence of the Honour or Magistracy into which he had been chosen by the People, not by the Censor. For tho' the Censor afterwards allowed or confirmed his Right by calling over his Name in the Roll or Catalogue of the Senators, which was termed *legere Senatum*; yet the Right itself of sitting in the House, and the actual taking his Seat and Voting in it, was antecedent to that Act of the Censor, who could not deny him this piece of Justice, nor exclude him, unless he had something to object to him. So that the part the Censor acted herein, seems to have been a Matter of Form more than of absolute and essential Necessity. and without doubt there were many persons who for some time had been Senators to all intents and purposes, and died such, before their Names had ever been called over by the Censor.

C A P. ii. *mibi quàm patriae malueram esse fatalem,*] *Fatalis. et in bona et in mala re dicitur :*

dicitur: quasi *fato* et certo Dei decreto vel *salutaris* vel *exitiosus*. Itaque in *Catilin.* iv. *meus*, inquit, *consulatus ad salutem reipublicae prope fatalis fuit*. Sed quomodo Cicero *malueram* cum illo verbo conjunxit, cum *fatalis* et *voluntarius* contraria sint, ut ipse quoque in *Philipp.* ostendit? etc. HOT-

TOMANNUS. This Remark of *Hottoman* is a very good one: and had he carried it as far as he might have done, and as far as it would go, I think it would have discovered to him that this could not be the Writing of a genuine *Roman*, much less of *Cicero*. but when he had once taken it for granted that *Cicero* was the Author, he could do no more than *wonder*, and make the best of it. I will endeavour to illustrate his Remark. *Fatalis*, as is observed by Him, and by *Servius* upon *Virgil Aen.* ii. 165, is τῶν μέσων, a word of a *middle* signification, and Originally implies any thing that is *appointed* or *decreed by the Fates*; which, whether it be *Good* or *Bad*, is to be determined by the Adjuncts. hence in *Catilin.* iii, 4. *fatalem hunc esse annum AD INTERITUM hujus urbis atque imperii.* and iv, 1. *si P. Lentulus suum nomen, inductus a vatibus, fatale AD PERNICIEM reipublicae fore putavit*; *cur*

*ego non laeter meum consulatum AD SALUTEM reipublicae prope fatalem extitisse?* The Opposite to *fatalis* is *voluntarius*, or what is in our own power or choice. Philippic. vi, 7. *fuit aliquis fatalis casus, ut ita decem, quem tulimus, quoquo modo ferendus fuit. nunc, si quis erit, erit voluntarius.* and x, 9. *an, cum illum necessarium, et fatalem paene casum non tulerimus, hunc feremus voluntarium?* See too *pro Q. Ligario* cap. vi. So then *fatalem* and *malueram* are utterly inconsistent, since *Choice (malueram)* has nothing to do, and has no room in a matter already (*fatalem*) decreed by the Fates or Gods. But besides this primitive and indifferent signification of *fatalis*, Use has given it another and more extended one, in a bad Sense; whereby it denotes any thing decreed by the Fates to the Destruction or Death of the Thing or Person spoken of: the reason of which see in *Muretus* upon the Third Orat. in *Catilin.* cap. 1. Thus *Livy* lib. xxxix, 51. *Flaminini quoque adventum velut fatalem sibi horruerat.* He is speaking of *Annibal*, who dreaded the coming of *Flaminius* to the Court of *Prusias* King of *Bithynia*, as a thing decreed by the Fates to his destruction. And this (that I may not



trouble the Reader with Instances of a thing every where to be met with) I believe is always the case in the word *fatalis* when it exceeds its Original and Indifferent Signification, and has the Notion of *Destruction* or *Death* annexed to it. and it is a mistake to think that *fatalis*, in this latter use of the word, is merely the same as *exitiosus* or *letalis*: for it is always more, and signifies any thing that is *destructive* or *deadly*, with the addition of, its being *decreed by the Fates* or *Gods*. which *Decree* leaving no room for *Choice*, it should seem, that *malueram esse fatalem*, in either Sense of the word *fatalis*, is an Absurdity, or Inconsistency in Terms; and consequently, not the writing of *Cicero*, or of an Author who was well acquainted with the *Latin* Tongue. which Ignorance, notified in so many Instances, is one Reason why I think these Four Orations were written by a *Provincial*.

C A P. iii. *clarissimi consulis fasces fractos*] Apparet P. Lentulum significari etc. HOT-  
TOMANNUS. *clarissimi consulis*] Q. Metelli.  
MANUTIUS. I believe the Fact is not true  
either of the one or the other; and that it  
is

is either a *Fiction* or a *Mistake* of the Author; because it is incredible that neither any Historian, nor *Cicero* himself, who in the Orat. pro *P. Sextio* cap. 32, 33, 34, etc. is so Particular and Circumstantial in recounting each step of his recall from Banishment, and of what befel his Friends or Adversaries in that transaction, should make mention of so remarkable an Insult upon one of the Consuls; or, if he had mentioned it, at the same time should not have acquainted us whether it was *Lentulus* or *Metellus* who suffered this Indignity upon his account. For in the preceding year, when the like Outrage was committed upon the Consul *Gabinus*, it is related both by *Cicero* in *Pison.* cap. xii. and *Dio* lib. xxxviii. In the Orat. *Ad Quirit. post red.* cap. vi. tho' he transcribes, according to custom, the rest of the Sentence out of this, yet in the particular concerning the Consul, he speaks more cautiously, *CONSULIS fasces frangerentur*, without any Title or Epithet, and still leaving it undetermined whether he meant *Lentulus* or *Metellus*. It seems very probable, that this Oration being written several years after the time of *Cicero*, the Author might remember, that

in the History of those Times he had found that Somebody's *Fasces* were broken; and not having a distinct notion of the Season, might transfer to *Lentulus* or *Metellus* what in reality happened to *Gabinus*. which kind of mistake is no new thing in him, as I can shew from more Instances than one.

C A P. vii. *Capuaene te putabas—consulem esse, sicut eras, eo tempore,*] Hoc quid sit fateor me non intelligere. alius fortasse acutior videbit. *etc.* HOT TOMANNUS. This passage I mentioned above, p. 145. 247.

C A P. viii. *M'. Curius, cujus ego patri quaestor fui,*] Valde hic haereo. huic enim Curio, neque consuli, qui consulatum nunquam gessit, neque provinciam aliquam post praeturam administranti quaestor esse Cicero potuit, quem scimus quaestorem Sex. Peducaeo in Sicilia fuisse. MANUTIUS. The only possible Solution of this difficulty is, that *Manius Curius* might be adopted by *Sex. Peducaeus*. *Hottoman* and *Pighius* have recourse to this supposition. It remains then to be enquired, whether a Person who adopts another for his Son, is ever in Cicero called simply *pater* to the adopted, without any



any mention or hint of the adoption, as *Sex. Peducaeus* is here called *pater* to *M'. Curius*. For in the *Orat. pro C. Rabirio Postumo*, in a like case, speaking of an adopted person, the same *C. Rabirius Postumus*, and having occasion to mention his Father, the word *pater* there signifies his Natural, not Adopting Father: cap. ii. *Fuit enim, pueris nobis, hujus pater C. Curius, princeps ordinis equestris, fortissimus et maximus publicanus.* see too cap. xvii. of the same Oration, and the Notes upon those places.

CAP. X. *ut haberet in consilio et fratrem*] Quid si dicamus legendum esse, *ut adhiberet in consilium* etc. Omnino sic placet magis. Verum tamen nihil mutare ausim sine Libris. Nam si Latine dicere licet, *fuit ille mihi in consilio*: cur non etiam licet dicere, *habui illum in consilio*? LAMBINUS. *Lambin* would not have called in question the Latinity of our Author here, had he remember'd this passage in the *Orat. pro A. Cluentio* cap. 58. *Cum haec sunt videnda, tum verò illud est hominis magni, judices, atque sapientis, cum illam, judicandi causâ, tabellam sumserit, non se putare esse solum, neque sibi,*  
B b 3 *quod-*

*quodcumque concupierit, licere; sed HABERE IN CONSILIO legem, religionem, aequitatem, fidem: libidinem autem, odium, invidiam, metum, cupiditatesque omnes amovere: maximeque aestimare conscientiam mentis suae, quam ab Diis immortalibus accepimus, quae a nobis divelli non potest: quae si optimorum consiliorum atque factorum testis in omni vita nobis erit, sine ullo metu, et summa cum honestate, vivemus.* The Reader will easily see why I need not beg pardon for quoting this Incomparable passage at length, tho' the greatest part of it is not to my present purpose. *Livy* too has the same expression lib. xl, 8. *Seniores duos amicos——accescit, quos IN CONSILIO HABERET.* It is likewise to be found in other places of *Livy*, and of other Writers.

PRO DOMO SUA. CAP. iii. *hunc — domo et patriâ—cedere curasti*] *Pro coëgisti.* Non memini me similem apud hunc locutionem animadvertisse. HOTTOMANNUS. I should be glad to know whether the like expression is to be met with any where else; at least, in a Prose-Writer. The usual *Latin* way of writing is, *curasti ut hic cederet.* and tho' *Cicero* pro *Sex. Roscio* cap. 36. rightly says

*cum*

*eum hominem occidendum* (scil. *esse*) *curavit*, the same as, *ut is homo occideretur*; yet you cannot proceed in the same manner here. for, *hunc cedendum esse curasti*, would be nonsense.

CAP. V. *propter varietatem venditorum*]

Non capio quid sit *varietas venditorum*. nullis fidiculis ex his verbis potest extorqueri sententia quam illis affingit *Hottomannus*.

Suspicio Ciceronem scripsisse, *propter avaritiam venditorum*. GRAEVIUS. The Note

of *Hottoman* in *Graevius's* Edition is this : *varietatem venditorum*]

Qui alias merces ex iis locis quò frumentum miserant, vendendas curabant, quàm cujasmòdi Romae essent qui aliis in locis negotiabantur. which is unintelligible. I suppose it should have been pointed thus, — Romae essent: qui aliis in locis negotiabantur. and still it is obscure enough.

CAP. IX. *quod idem in posterum de extraordinariis potestatibus libertatem ademisses*]

Non intelligo, nisi aut subaudiatur aut addatur *intercedendi*. HOTTOMANNUS. It

is an evident Barbarism of the Author himself, owing to an unskilful imitation



of the Orat. pro P. Sextio cap. 28. *qui in concione palam dixerint, linguam se evellisse M. Catoni, quae semper contra extraordinarias potestates libera fuisset.* whence it appears that the Author meant, *qui idem* (or *eidem*) *in posterum* [contra extraordinarias potestates libertatem ejus [scil. Catonis] ademisses.

IBID. *quis bellum pacatissimis gentibus*] Pro, *bellum contra pacatissimas gentes.* MANUTIUS. The whole Sentence is, *quis* (Gabinio) *bellum pacatissimis gentibus dedit?* who gave Gabinius the power of making war upon nations who were in a most profound state of peace? This is what he seems to mean by this Foreign and Barbarous Latin. Instead of *bellum pacatissimis gentibus*, he should have written, *potestatem bellum inferendi pacatissimis gentibus.* It is taken out of pro P. Sextio cap. 43. *bellum inferre quiescentibus, ut eorum veteres, illibatasque divitias,* etc. where he is speaking of the same Gabinius.

IBID. *eas* (provincias) *lege Sempronia per Senatum decretas rescidisti*] Ausitne quis affirmare Latine dici *rescindere provinciam?* Lex, decretum, testamentum dicitur rescindi;

*scindi*; non verò *provincia*. GRAEVIUS.

Here is a very small variation in some of the MSS: so that nothing quite certain ought to be determined against the Author. Nevertheless, the Suspicion of *Bad Latin* is exceeding strong, both here and in the foregoing Line, *constitui per Senatum decretâ lege sanxit*. upon which see the Notes.

CAP. xi. *quis apud populum Romanum,—quis senatui saepius dixit?*] Pro *quis apud senatum*. Simile loquendi genus non memini. HOTTOMANNUS. It certainly is not *Latin*: unless when *Cicero* Ad *Attic.* iv, 2. says, *diximus apud Pontifices pridie Kal. Octobres*, he might as well have written, *diximus Pontificibus*.

CAP. xiii. *sine iudicio senatûs*] Quomodo *senatûs*, cum in *Verr.* vii. (v, 48.) ita scribat: *Quo confugient socii? ad Senatum devenient, qui de Verre supplicium sumat? Non est usitatum, non Senatorium*. Ergo de superiorum temporum ratione haec intelligenda sunt, cum, ut *Polybius* vi°. scribit, *senatus de rebus capitalibus cognoscebat*. HOTTOMANNUS. When *Hottoman* says, that what

is here mentioned of the *Judgement of the Senate* is to be understood of *former times*; he is evidently mistaken. For the Author is here speaking of the Rights of the *present times*, *hoc NOBIS esse a majoribus traditum*: and of those of a *Free-State* at *all times*, *hoc esse denique proprium liberae civitatis, ut nihil de capite civis, aut de bonis, sine judicio senatûs—detrahi possit*. The Objection therefore which *Hottoman* makes to this passage, stands upon the same footing it did before his Solution.

CAP. xvii. *ut ter ante magistratus accuset — quàm mulctam irroget, aut judicet.*] Instead of *accuset*, *Lambin* read *citet*; because it was not the business of a Magistrate to *accuse*, but to *cite* the Party accused. Upon this *Gruter* notes: “*Lambinus, magistratus citet; tanquam id ratio et veritas*” “*probet. contra omnes libros, ideoque inepte.*” *Lambin's* Conjecture was a bold one, and ought not by any means to have been taken into the Context. But then on the other hand, it was the part of *Gruter*, after he had made so free with *Lambin*, to shew by an Instance, that *Cicero* might write



write in this manner, and that a *Magistrate* or *Judge* is any where said to *accuse* the Criminal.

CAP. xvii. *liberis,*] *Otiosum hoc videtur.*

MANUTIUS. I think it may be defended by this passage in *Verr. iv, 35. ne nunc quidem, in tanto tuo, liberorumque tuorum periculo, perborrescis?*

IBID. *ne in praedae quidem societate mancipem aut praedae socium—reperire potuisti*] Non adhibere (*Graevius* meant *reperire*) potuisti in *praedae societate praedae socium*, absurde dicitur, non equidem ore Tulliano. GRAEVIUS. For *societate* He and *Pithoeus* read *seſſione*. instead of *praedae socium*, *Manutius* conjectures, *praedem socium*.

IBID. *neque pontificem adhibere quem velles*] Pro *quemquam velles*, id est, quem omnes probarent. adhibuisti enim adolescentem imperitum, novum sacerdotem, etc. MANUTIUS. Either this Note is very obscure, or *Manutius* sure is greatly mistaken when he explains *quemquam* by *quem omnes probarent*. I find indeed *quem* for *quemquam* in *De clar. Orator. cap. 41.* and elsewhere. but *quemquam* for *quem omnes probarent*,

*barent*, seems as new and unusual as the conceits of our Author. There is no difficulty at all in the common acceptation of the Words. see cap. 52. *Quae cum videres, tum te ad tuum affinem—contulisti.* which place, with what goes before it, will fully explain this.

CAP. XX. *Quid operum publicorum exactio?*] *Quid sibi velit operum publicorum exactio* quacrant doctiores, etc. GRAEVIUS, who reads *extructio* for *exactio*. Manutius says, Obscurum est quid dicat. See however his explication, which perhaps is as good an one as can be given.

CAP. XXI. — *me praesidio spoliarent* : *senatum pro me non modo pugnare, amplissimum ordinem, sed etiam plorare prohiberent* ; etc.] Similem iterationem nusquam me animadvertisse memini. HOTTOMANNUS. The word *senatum* he is of opinion was written in the Margin to explain *amplissimum ordinem*, and from thence came into the Context. The foregoing Sentence too is very obscure, as it now stands ; *cum—meam domum refertam viris bonis per amicos suos complerent* : *proscriptionis metu me frequen-*  
tia

*tiâ nudarent virorum bonorum, me praesidio spoliarent: senatum pro me non modò etc.* Graevius thinks that the word *terrore* has been omitted by the Transcribers, *per amicos suos terrore complerent*. By the change of a single letter in the word *senatum*, and by altering the Points, I believe the passage may restored: *cum—meam domum, refertam viris bonis, per amicos suos complerent proscriptionis metu; me frequentiâ nudarent virorum bonorum; me praesidio spoliarent senatûs; pro me non modò pugnare amplissimum ordinem, sed etiam plorare prohiberent; ne tum quidem vis erat?* It is partly taken out of the *Orat. in Pison. cap. v.* *Erat non solum domus mea, sed totum Palatium, senatu, equitibus Romanis, civitate omni, Italiâ cunctâ, refertum:* and partly out of *pro Cn. Plancio cap. 35.* concerning the same matter: *Aderat mecum cunctus equester ordo; quem quidem in concionibus saltator ille Catilinae, consul, proscriptionis denuntiatione terrebat.* From this last place he has likewise transferred it into the *Orat. post red. in Sen. cap. 13.* *Quare cum viderem——equites Romanos proscriptionis——metu esse permotos; etc.*



CAP. xxviii. *aut montani*] Qui illi ex plebe Romana *montani*, distincti a *paganis*? etc. GRAEVIUS. See above, p. 214.

CAP. xxxii. *mibi — maledicti locum obtinebit?*] *Mibi* pro *in me* positum videtur. HOTTOMANNUS. I believe it is not Latin.

CAP. xxxiv. *odium retinebat*] Fero: sed *tenebat* usitatus. MANUTIUS. See upon *Ad Quir. post Red.* cap. v. p. 272. and p. 366.

CAP. xxxviii. *nomine ipso Aequimelii stultitia poena comprobata est.*] Mihi videtur *stultitia* nescio quo casu irrepsisse, et *Melii*, ex vestigiis veterum codicum colligo excidisse. Num Cicero scelus et flagitium *Melii*, regnum affectantis, *stultitiam* vocet? Caecina apud Cic. vi. *ad Famil. Epist.* 7. *stultitiam* vocat cum quis contra potentes scribit: — sed affectationem tyrannidis nemo sanæ mentis, nedum Tullius, *stultitiam* dixerit. Ciceronis manus fuit, *nomine ipso Aequimelii poena est comprobata*. GRAEVIUS. This would be an excellent Conjecture on a better Writer. But as it is cer-

tain that *Cicero* in this place would not have put the word *stultitia*; so I think it is as certain that this Writer would. This passage was mentioned before, p. 340. where it is pointed as I believe it came from the Author's Hand, viz. *aequum accidisse Melio populus Romanus judicavit* (or *indicavit*) *nōmine ipso Aequimelii : stultitia poenā comprobata est.*

C A P. xl. *nimum esse superstitiosum non oportere.*] Suspectus mihi locus. nam quid est hoc, *nimum esse superstitiosum*? quale est, *nimis avarum* et *nimis intemperantem esse*, et similia. quo modo si quis loquatur, significet, *vitium* horum habituum nasci ex eo quod est *nimum*, non ex rebus ipsis; et eum, qui sit *avarus*, aut *intemperans*, modò non sit *nimis avarus* aut *nimis intemperans*, non esse vituperandum. quod absurdum dictu est. At, ut *avaritia*, et *intemperantia*, *vitiorum* sunt nomina, ita et *superstitio*, vitii nomen est. Ut igitur aliquis reprehendatur, *nimis superstitiosum* esse non necesse est; sed quisquis *superstitiosus est*, eo ipso vituperandus est. LAMBINUS. Haec si in schola Stoïca *Lambinus* disputaret, faciles ei praeberemus aures. Sed in Oratore  
qui

qui cum vulgo loquitur, nemo haec reprehendat. etc. GRAEVIUS. This Criticism of *Graevius* upon *Lambin*, does not seem to remove, or indeed at all to affect, the objection. For supposing the word *superstitiosus* to imply a *Vicious* Character, as it certainly does, and *Graevius* cannot deny it; the business was to prove, that the *vulgus*, or *Cicero*, or any other *Orator*, or good *Writer*, did ever express themselves thus, and did allow that a man might without any *fault* or *blame*, be *superstitiosus*, *avarus*, or *intemperans*, provided he were not *NIMIS superstitiosus*, *avarus*, or *intemperans*. Till it be proved that the Antients were wont to speak or write in this manner, the Expression *nimum superstitiosum* will justly seem to be contrary to common Sense, and the Custom of all other Authors.

CAP. xlii. cum forum armatis catervis perditorum hominum possideres] Num quis legit apud ullum scriptorem probatum, possidere urbem, aut locum, armis aut hominibus? — Posses dicere, possidere forum armatis, esse, per armatos, aut cum armatis. Sed hoc insolens est, ut puto, Latinis auribus.



auribus. GRAEVIUS. He conjectures that it should be read *obsideres* instead of *possideres*. I do not doubt but *possideres*, the reading of all the MSS, was the Author's writing. and I think we may account for his mistake from the passage whence, as usual, this was taken, Orat. pro *P. Sextio*, cap. xv. *armati homines forum et conciones tenebant*. He knew that *tenere* and *possidere* are frequently synonymous: and having a mind to vary a little from *Cicero's* Words, he seems to have concluded, that if *tenere forum armatis hominibus* were right, *possidere forum armatis catervis* could not be wrong. It is very well that he did not put *haberes* instead of *possideres*, since *teneo*, *habeo*, and *possideo*, are often convertible. But it is wonderful that *Graevius*, who had true Skill in the *Latin* Tongue, and who so justly had doubted of the *Latinity* here, should so easily give it up again, and think that *possideres* might be defended by *tenere* in the Orat. in *Vatinium* cap. 2. *num armatis hominibus templum tenuerit*. For the words are of a very different signification; and *tenere* there, and in the abovemention'd passage of the Orat. pro *Sextio*, and in many others in *Livy*, *Caesar*, *Cicero*, and other Writers,

is a *military term*, and signifies *to keep guard in, or defend*, as is noted upon *Virgil Aen. viii, 653. Capitolia celsa tenebat.* Where *Servius: tenebat] defendebat. et est militare verbum* etc. and *Aeneid. ix. 168.*

*Haec super e vallo prospectant Tröes, et armis Alta tenent :*

where *Servius* again, *Bona elocutio: id est, armati tenent alta, hoc est, muros. Tenent autem, custodiunt.* So in *Caesar Bell. Civ. i. 12. Interea certior factus, Iguvium Thermum praetorem cohortibus quinque tenere, etc.* and so again a little lower in the same chapter ; and cap. xv. *id oppidum Lentulus Spinther x cohortibus tenebat. Curtius iv, 5. inde Macedones transiere Mitylenen, quam Chares — duorum millium praesidio tenebat.* Now if any body can bring an Instance in which *possidere* is used in the same *military* sense that *tenere* is, such as, *possidere oppidum cohortibus, praesidio, or armatis hominibus* ; this Author, and others, will be greatly obliged to him.

C A P. xlv. *excogitavit] Fero: sic tamen ut cogitavit magis probem.* MANUTIUS.  
See p. 30.

CAP. xlvii. *avi tui, Q. Metelle,] Nepotem* appellat, non *Celerem*, qui jam perierat, ut ex oratione in *Vatinium* colligitur. Sed *Nepoti* proavus, non *avus*, Macedonicus fuit, etc. Est igitur *μνημονικὸν ἀμάρτημα*. MANUTIUS.

CAP. xlviii. *recusares,] Legendum puto, uti recusares.* HOTTOMANNUS. This was well meant by *Hottoman*, who did not suspect the Poverty of this Writer, and the miserable shifts he is often driven to in his Language.

CAP. L. *foedera feriebantur provinciarum, regum appellationes venales erant,] Sic omnes editi, quos inspexi. Sed quid sit, foedera provinciarum ferire non ego intelligo. Si qui sit, qui me docere velit, erit mihi Apollo. etc.* GRAEVIUS. He then observes, that *foedera feriebantur provinciarum*, is False in point of Time: for the agreement concerning the Provinces, between *Clodius* and the Consuls *Piso* and *Gabinus*, was made before the transactions he is now speaking of: and that *Cicero's* Hand, and the Sense, are to be restored by changing the Punctuation, in this manner: *sed uno tempore cautiones fiebant pecuniarum, foede-*



*ra feriebantur, provinciarum, regum appellationes venales erant*, etc. and so it is published in his Edition. But this Pointing still leaves as great a Difficulty as That it was designed to remove. For tho' any body may understand the meaning of *regum appellationes*, the Titles or Appellations of King, which were *venales*, or exposed to sale, and to be bought for money; yet who can explain *appellationes provinciarum* in the like manner, or tell what the Appellations of Provinces were, or how to be bought and sold? The common Pointing of this passage is undoubtedly the right one. nor do I see any difficulty in it. For *foedus ferire* is a very obvious expression, examples of which may be found in any *Lexicon*: and *foedus provinciarum* is often used in these Orations, and in the true Cicero, to signify the agreement which was made between Clodius, and Piso and Gabinius the Consuls, that Piso should have the Province of Macedonia assigned him, and Gabinius That of Syria, for their services to Clodius in bringing about the Disgrace and Banishment of Cicero. see pro P. Sextio cap. x. So *Ad Quirit. post red.* cap. v. *qui provinciarum foedere irretiti, totum illum annum*

*querelas senatûs—pertulerunt* : which a little lower he calls *provinciarum pactiones*. *Post red. in Sen. cap. vii. ut civis optime meriti fortunas provinciarum foedere addiceres*. Cicero pro *P. Sextio* cap. 14. *Idem consules—pacto jam foedere provinciarum, producti in Circo Flaminio, etc. cap. xv. cum duo consules a republica provinciarum foedere retraxisset*. In *Pison. cap. xii. foedus quod meo sanguine in pactione provinciarum iceras, frangere nolui*sti. and so in several other places. For as to *Graevius's* objection, that *foedera feriebantur provinciarum* is not agreeable to *History*, and does not come in at the *right Time* ; it is very true : and this is to be added to the several other Blunders of the same kind which this Author has committed.

CAP. lviii. *extendendam putavi*,] This is the Reading of all the MSS, as *Gruter* and *Graevius* testify. The whole Sentence is this : *quorum (munerum or bonorum) ego non tam facultatem unquam et copiam extendendam putavi, quàm et in utendo rationem, et in carendo patientiam*. The FACULTAS or COPIA of Riches or the Goods of Fortune may perhaps be rightly said *extendi*, to be enlarged or extended : but in what Sense can

RATIO *in utendo*, and PATIENTIA *in carendo*, be said *extendi*? The Author took care of the first part of the Sentence, but before he got through it, Nature returned, and he has left the latter part to shift for itself, not seeing that the same word was not applicable to the whole Period. *Expetendam* would have answered this purpose, as *Graevius* too observes; and therefore it has been thrust into some Editions: but contrary to all the Written Copies.

DE HARUSPICUM RESP. CAP. vi. Q. Metellus] *Nepos*. quem non esse statim post P. Lentulum nominatum, et *consulem* appellatum, equidem miror. MANUTIUS. In the next chapter the Author writes as he ought to have done here: P. Lentulo, Q. Metello, *Coss. referentibus*.

CAP. ix. *qui statas solemnesque ceremonias, pontificatu*] *Pontificatu*, pro *pontificum scientiâ*, dixit. MANUTIUS. See p. 337.

Cap. xvi. *ad nostrum (ut se ipse appellavit) imperatorem*] L. Pisonem significat. In oratione tamen contra ipsum (cap. xvi.) *Appellatus est*, inquit, *hic vulturius illius provinciae, si Diis placet, Imperator*. MANUTIUS. See too cap. 23. of that Oration.



CAP. XX. *in domesticis est germanitatis stupris volutatus*] Quid hoc sibi vult, *germanitatis stupris*? Scio quid mihi dicturus sit aliquis, cum Clodia sorore, et ceteris sororibus, rem habuisse significat. Audio. Itane verò? his verbis hanc sententiam exprimi oportuit? quis unquam hoc modo locutus est? dixisset potius, *in domesticis est cum germanis sororibus stupris*, etc. Considerent igitur hunc locum, qui se *Ciceronianos* dici volunt, et videant num potius ita legi debeat, *in domesticis, germanisque stupris est volutatus*. LAMBINUS. Graevius says, that *germanitas* is here put for *germanae sorores*, as *matri-monium* for *uxor*, and *servitia* for *servi*. And this perhaps may be confirmed out of *Livy* xl, 8. in the Speech of *Philip of Macedon* to his sons *Perseus* and *Demetrius*, who were at variance: *sed interdum spes animum subibat — subituram vobis aliquando germanitatis memoriam*. tho' there indeed the *relation*, or *thing*, viz: *brotherhood*, is signified, not the *Persons*, as in this place of our Author. He has the same Sentiment again cap. 27. *Quis unquam nepos tam liberè est cum scortis, quàm hic cum sororibus, volutatus?*

IBID. *cum propinquis suis decidit, ne reos*

*faceret*] Sic omnes plane veteres libri. Mihi nec historia haec nota est, nec satis constat mendâne locus vacet. MANUTIUS.

CAP. XXVI. *in mentem subitò — nec cogitanti venire potuisse*] Omnino si quis attentius consideret, videtur ridiculum dictu, *venire cuiquam aliquid in mentem nec cogitanti*. nisi quis dicat, ea dici alicui in mentem venire *nec cogitanti*, quae cujuspiam animo objiuntur *ex tempore*, et aliud agenti, etc. LAMBINUS. He says that *nec* is wanting in the MSS: whence instead of *cogitanti*, he reads *concionanti*. tho' I do not find that Gruter or Graevius take notice of the omission of *nec* in any of their written Copies.

IBID. *tentatas aures vestras*] Quomodo tentatae sunt *senatorum* aures, cum illa Clodius non in *senatu*, sed in *concione*, dixerit? To which he answers, Quia possunt et *senatores* in concione adesse. MANUTIUS. What Manutius says, is possible. it is as possible likewise, that the Author might in this place have forgot what he was about. and if by this time the Reader is not convinced that it is as probable too, I believe it will be to little purpose to detain Him or myself any longer at present.

# I N D E X

O F

## The most remarkable PERSONS, WORDS, and EXPRESSIONS.

<b>A</b> <i>bsentis rationem habere.</i>	pag. 70.	<i>Arria.</i>	326. Note.
<i>Accensi.</i>	309.	<i>Asconius Pedianus.</i>	325.
<i>Ad fidem, dignitatem, pertinet.</i>	78.	<i>Asino, palfredo, dromedario.</i>	122.
<i>Ad rempublicam, fidemque pertinet.</i>	76.	<i>Assumere auctoritatem, potentiam.</i>	19.
<i>Ad (or apud) Pontifices.</i>	284.	<i>Auctoritas.</i>	90. Note.
<i>Adire, inspicere libros Sibyllinos.</i>	347.	<i>Auguratus, augurium.</i>	338.
<i>Aedepol or Edepol.</i>	90.	<i>Bellum gentibus, contra gentes,</i>	376.
<i>Aequimelium.</i>	340. 382.	<i>Bellum terrâ marique.</i>	150.
<i>Aetas, bona, mala.</i>	226.	<i>Bibulus, Lucius, Marcus.</i>	66.
Note.		<i>Caecina Longus.</i>	325.
<i>Affinis.</i>	161.	—— <i>Paetus.</i>	326. Note.
<i>Agitur caput, vita, fortunæ, fama.</i>	83.	<i>Caecitas luminis, libidinis.</i>	350.
<i>Ago animam.</i>	84.	<i>Capua.</i>	145. Note. 247.
<i>Amandari infra mortuos.</i>	202.	<i>Cedere, excedere, discedere.</i>	139.
<i>Amplissimus ordo, senatus.</i>	380.	<i>Celebrari in sua Epistola.</i>	67.
<i>Ἀντίεσθοντες pontifices.</i>	313.	<i>Centuriari, decuriari.</i>	369.
<i>Appellationes provinciarum, regum.</i>	388.	<i>Cicero's Orat. pro P. Sextio.</i>	233.
<i>Appius Claudius.</i>	303.	<i>Claudii or Clodii, Patricians and Plebeians.</i>	17, 18.
<i>Apuleius, Marcus.</i>	154.	<i>Color.</i>	278.
<i>Arae, foci, Dii Penates.</i>	242.	<i>Conniventes oculi.</i>	351.
		Con-	



# I N D E X.

<i>Conquirere libros.</i> pag. 347.	<i>Enim.</i> 210. 213. 314. 350.
<i>Conquirimus</i> for <i>quaerimus</i> ibid.	<i>Exactio operum publicorum.</i> pag. 380.
<i>Consedit, concidit.</i> 333.	<i>Excogitavit, cogitavit.</i> 30.
<i>Conservator reipublicae.</i> 299.	<i>Note.</i>
<i>Consul, Praetor: a Father to his Quaestor.</i> 155.	<i>Explere meritum, spem, voluptatem, contumelias honoribus.</i> 101.
<i>Cum, tum.</i> 240.	<i>Exsolvere meritum, remunerare.</i> 104.
<i>Cum imperio.</i> 257.	<i>Extendi, expeti.</i> 389.
<i>Curasti cedere, coegisti.</i> 374.	<i>Exturbare.</i> 43.
<i>Curius, Manius.</i> 372.	<i>Facile pati.</i> 193.
<i>De Scripto dicere, when practised.</i> 243.	<i>Facio, and its Compounds.</i> 120.
<i>Decernere.</i> 166.	<i>Facito ut facias.</i> 88.
<i>Decurari, centuriari.</i> 363.	<i>Factum gerere.</i> 301.
<i>Deficeret.</i> 360.	<i>Fadius, Titus.</i> 254.
<i>Deterritus ob mortem, morte.</i> 44.	<i>Fallere, finire, incipias.</i> 28.
<i>Devotionis convictus.</i> 361.	<i>Fatalis.</i> 368, 9.
<i>Deus: Deus mortalis.</i> 282.	<i>Ferre tibi curationem.</i> 295.
<i>Dignitas.</i> 214.	<i>Fideliter inservire valetudini.</i> 207.
<i>Dii immortales.</i> 241.	<i>Flagitare.</i> 271. in <i>Asia Cistophorum.</i> 296.
<i>Diligenter metuere.</i> 206.	<i>Flavius, Caius, the Scribe.</i> 311.
<i>Dixit senatui, apud senatum.</i> 377.	<i>Fluctuans genus dicendi.</i> 236.
<i>Dirigere iudicium ad aliquid, aliquo.</i> 42.	<i>Foedera provinciarum.</i> 388.
<i>Divinitus, divine.</i> 248.	<i>Foro, for Po Ro. i. e. populo Romano.</i> 45. <i>Note.</i>
<i>Divinum.</i> 241.	<i>Fugere.</i> 137. <i>urbem, ex urbe.</i> 140.
<i>Domitia lex.</i> 170.	<i>Funditus evertere.</i> 51.
<i>Domus and tecta.</i> 315.	<i>Fur.</i> 303.
<i>Dum animâ spirabo meâ.</i> 365.	<i>Germanitas.</i> 391.
<i>E republica fideque sua.</i> 76.	<i>Germanitatis stupris.</i> ibid.
<i>Ecce.</i> 134.	<i>Gerere factum, rem, negotium.</i> 391.
<i>Efflagitare.</i> 271.	<i>Habere</i>
<i>Egentem suâ virtute.</i> 304.	
<i>Eminentes, imminentes causas.</i> 355.	

# I N D E X.

<i>Habere in consilio.</i>	p. 373.	<i>Liberi.</i>	pag. 54.
<i>Honos decretus, habitus.</i>	79. 84.	<i>Libertas de potestatibus.</i>	375.
<i>Honores adhibere.</i>	80.	<i>Licere.</i>	61.
<i>Honores.</i>	366.	<i>Licet and Potest.</i>	59.
<i>Hostia, devota, constituta.</i>	333.	<i>Licentia and libertas.</i>	302.
<i>In liberum loco haberi.</i>	255.	<i>Lictores.</i>	311.
<i>Imperator.</i>	257.	<i>Littera religionis, de reli-</i>	336.
<i>Inceptis duobus verbis.</i>	332.	<i>gione.</i>	
<i>Incredibile.</i>	241.	<i>Lucius Clodius, a Plebeian.</i>	17, 18.
<i>Inenodabiliter, inexplicabi-</i>		<i>Magistratus accusat, citat.</i>	378.
<i>liter, inhospitaliter, in-</i>	118.	<i>Magnitudo, magnitudo ani-</i>	
<i>firmiter.</i>		<i>nimi.</i>	41.
<i>Infideliter, malâ fide</i>	116.	<i>Malueram esse fatalem</i>	369.
<i>In mea potestate, custodiâ</i>	99.	<i>Mandere tribunal, lambere.</i>	355.
<i>Insignes equi.</i>	284.	<i>Marcellus, Marcus.</i>	180.
<i>Instituto ceterorum vetere.</i>	335.	<i>Melius Spurius.</i>	341.
<i>Interdicatur, interdictum</i>	291.	<i>Meminisse ut memineris.</i>	88.
<i>fit.</i>		<i>Mercede reddenda, augen-</i>	
<i>Intersector reipublicae.</i>	244.	<i>da.</i>	277.
<i>Ipse, emphatical.</i>	335.	<i>Mescinius, L. Rufus.</i>	258.
<i>Is est qui, a quo.</i>	34.	<i>Mihi, in me.</i>	382.
<i>Jubere ut. 288. ne, i. e. ut</i>	291.	<i>Moderatio rei familiaris,</i>	
<i>non.</i>		<i>modus.</i>	316.
<i>Junia Tertia.</i>	162.	<i>Molestie ferre, pati.</i>	193.
<i>Labefactare, movere.</i>	49.	<i>Montani.</i>	214. Note. 308.
<i>Laetitiae voluptate.</i>	265.	<i>Multum sanguinis factum.</i>	85.
<i>Largitio and Liberalitas.</i>	56.	<i>Murrhedius.</i>	331.
<i>Largitio and Ambitus. ibid.</i>		<i>Mutare vestem.</i>	249.
<i>Largitione corruptus.</i>	57.	<i>Necessitudo.</i>	256.
<i>Largitiones, largiri hono-</i>	55.	<i>Negat negare.</i>	86.
<i>res.</i>		<i>Nimis superstitiosus.</i>	384.
<i>Legere senatum.</i>	367.	<i>Nisi me fallit, sc. animus.</i>	356. Note.
<i>Lepidus, Marcus, Paulus.</i>	165.	<i>Nolite velle.</i>	87.
<i>Lex Julia De Sacerdotiis.</i>	73.		Nomi-

# I N D E X.

<i>Nominatio.</i>	pag. 65.	<i>Pro (or De) Domo sua.</i>	
<i>Noni modò non, non modò,</i>			pag. 284.
<i>nedum, ne quidem, adeo,</i>		<i>Profectu's ire.</i>	88.
<i>adeo non, etiam, etc.</i>		<i>Prohibere praesentia ma-</i>	
<i>108, etc.</i>		<i>la.</i>	31.
<i>Obruere omen, avertere.</i>		<i>Quaestor imperatori.</i>	254.
	351.		259.
<i>Omnis erit mihi aetas ad</i>		<i>Quanta quanta, quanta-</i>	
<i>hoc.</i>	249.	<i>cumque.</i>	305.
<i>Optimum genus dicendi.</i>		<i>Quatefacio.</i>	120.
	110.	<i>Quem velles, quemquam</i>	
<i>Oratoria calliditas.</i>	321.	<i>velles.</i>	379.
<i>Note.</i>		<i>Quia.</i>	210.
<i>Parricidae.</i>	180.	<i>Quibus quibus, quibuscum-</i>	
<i>Pater.</i>	373.	<i>que.</i>	305.
<i>Pedibus ire in sententiam.</i>		<i>Quibusdam multis, aliis</i>	
	244.	<i>multis.</i>	357.
<i>Pejus malum, majus.</i>	191.	<i>Qui cum M. Antonio fu-</i>	
<i>Note.</i>		<i>erunt.</i>	75.
<i>Perfringere altitudines,</i>		<i>Quocumque venit.</i>	294.
<i>tela.</i>	353.	<i>Rationem habere alicujus.</i>	
<i>Pergitin' pergere.</i>	883.		70.
<i>Persuadere coepimus, sua-</i>		<i>Reddere me mihi.</i>	270.
<i>dere,</i>	27. 29.	<i>Reddere in integrum.</i>	40.
<i>Persuadere studuit, tenta-</i>		<i>Reddere vicem meritis.</i>	104.
<i>vit, etc.</i>	29.	<i>Reditus gratiae, in gra-</i>	
<i>Petere, honores petere.</i>	63.	<i>tiam.</i>	354.
<i>Petitio, honorum petitio.</i>		<i>Referre sententiam, ferre.</i>	
<i>ibid.</i>			365.
<i>Pinarius, L. Natta.</i>	306.	<i>Referre gratiam meritam,</i>	
<i>Plus uno, plures uno.</i>	114.	<i>meritis, etc.</i>	104.
<i>Pontifex Maximus.</i>	313.	<i>Reponi in ejus locum.</i>	93.
<i>Pontificatus.</i>	337, 8.	<i>Rescindere provinciam, le-</i>	
<i>Popilius Laenas.</i>	279.	<i>gem, etc.</i>	376.
<i>Possidere forum armatis ca-</i>		<i>Restitui in integrum.</i>	38.
<i>tervis.</i>	384.	<i>Retinebat odium, tenebat.</i>	
<i>Praedâ aliquid tangere.</i>			272.
	293.	<i>Revocari in integrum, in</i>	
<i>Praediectum, dictum.</i>	349.	<i>irritum.</i>	38.
<i>Praesidium.</i>	239.	<i>Rex Sacrorum.</i>	18.
<i>Primis tribus verbis.</i>	332.		Salvi-



# I N D E X.

<i>Salvidienus.</i>	pag. 166	<i>Superior contra improbos.</i>	
<i>Salus.</i>	214.		pag. 282.
<i>Sarcire, explere.</i>	101. Note.	<i>Superstitiosus.</i>	383.
<i>Scato, Marsus.</i>	304	<i>Suscipere auctoritatem.</i>	19.
<i>Scribae.</i>	309.	<i>Tanti quo, ut</i>	47. 125.
<i>Scriptum facere.</i>	311	<i>Tardare.</i>	112.
<i>Seetam sequi.</i>	74.	<i>Tecta and domus.</i>	315.
<i>Segnis.</i>	52.	<i>Tenere a military word.</i>	
<i>Seipsum obtulit.</i>	155.		385.
<i>Senatui dixit, apud Sena-</i>		<i>Terrâ marique.</i>	150.
<i>tum.</i>	377.	<i>Thales.</i>	130.
<i>Septem montes for Roma.</i>		<i>Thuscus, the Declaimer.</i>	
	308.		168. 331.
<i>Si for etsi, quamvis.</i>	284.	<i>Valerius Antias.</i>	147.
<i>Sibi monstrum, per se.</i>	345.	<i>Valerius Maximus.</i>	339.
<i>Solon.</i>	130.	<i>Varietas venditorum,</i>	375.
<i>Spiritu and re opposed.</i>		<i>Velis velle.</i>	85.
	202.	<i>Verbum consecrationis, de</i>	
<i>Spiritu vivere.</i>	ibid.	<i>consecratione.</i>	336.
<i>Stultitia.</i>	382.	<i>Verissimum genus dicendi.</i>	
<i>Stuprare pulvinar.</i>	349.		110.
<i>Stuprum inferre.</i>	350.	<i>Vetus, C. Antistius.</i>	151.
<i>Suadere coepit, persuadere.</i>			155.
	29.	<i>Viatores.</i>	311.
<i>Sua pecunia.</i>	151.	<i>Violati oculi.</i>	347.
<i>Substitui, suffici, subrogari</i>		<i>Virtutis disciplina.</i>	183.
<i>in alicujus locum.</i>	94.	<i>Vis and species.</i>	317.
<i>Sui manicipii, juris, arbi-</i>		<i>Voluntarius.</i>	369.
<i>trii, etc.</i>	47.	<i>Ut soleres, ut solebas.</i>	96.
<i>Supercilium.</i>	225. Note.		

# AUTHORS Corrected or Explained.

**A**SCONIUS PEDIANUS. 319. 320. 322. *Note.*  
Contradicts himself. 322. *Note.*

Explained. 327.

AUCTOR Orat. *Pro Domo sua.* 317. 381. 383.  
*De Harusp. Resp.* 333. 351. 355.

CAESAR. 109.

CICERO. 46. *Note.* 49. 62. 273.

Defended. 44.

Explained. 154. 281.

HIRTIUS. 45. *Note.*

JUSTIN explained. 101. *Note.*

LIVY explained. 72.

MACROBIUS. 138.

OVID defended and explained. 85, 6, 7.

PLAUTUS. 88.

PLUTARCH mistaken. 280.

TIBULLUS. 69.

VELL. PATERCULUS explained. 153.

## E R R A T A.

Pag.	lin.	instead of	read
25.	20.	possiby	possibly
30. <i>Note.</i>	6.	and upbraiding	upbraiding
78.	17.	judicio,	judico,
86.	19.	1150	11: 50.
144.	21. {	GENTES: sunt quibusdam	GENTES sunt: quibusdam
151.	2.	421.	42.
225.	8.	esisto.	es isto
231.	antep.	attaintments	attainments.
240.	15.	tinet in the	tinet. in the
243.	5.	Senatum.	Senatu.
253.	19.	abundance	abundance
256.	8.	Fabius	Fadius
258.	7.	and Imperator	an Imperator
263.	6.	c.	C.
273.	penult.	apprehended	apprehend
278.	21.	wanted to be.	wanted it to be.
330.	ult.	Thuseus,	Thuscus,
336.	21.	querebatur.	quaerebatur.
356.	3.	appresion	apprehension
364.	penult.	scare	scarce
370.	4.	it Original	it's Original.

93/2 p 21







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